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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.156 OF 2025

1. Varsha w/o Sanjay Karosiya,
Age 50 Years, [Wife/Respondent]
Occupation : Household,
R/o 69, Gayatri Colony,
Hazaripahad, Vayusena Nagar,
Nagpur – 440007. **APPLICANT**

// VERSUS //

1. Sanjay s/o Gopaldas Karosiya, [Husband/Applicant]
Age 53 Years, Occupation : Service,
R/o. Commissioner of Income Tax,
Range – I, (C.I.T.-I), Income Tax Office,
Aaykar Bhavan, Civil Lines, Nagpur,
Also At : Opp. D.P. Meshram House,
Gaurtam Nagar, Gaddigodam, Nagpur
440001.**RESPONDENT**

Mr. N. D. Dhawda, Advocate for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/03/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicant.
4. By this revision application, the applicant seeks an
enhancement of the maintenance amount granted by the Family

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Court No.2, Nagpur dated 14.11.2024 in Misc. Criminal Application No.34/2016.

5. The present applicant and the respondent are husband and wife. The present respondent has preferred an application against the present applicant contending that she herself has left his company and therefore, he filed an application under Section 127 of the Code of Criminal Procedure (for short 'Cr.P.C.') for quashing of the order of maintenance. Prior to that, the present applicant preferred an application under Section 125 of Cr.P.C. bearing No.201/2013 contending that she as well as her children were refused and neglected by the present respondent. The said application bearing No.201/2013 came to be settled on 17.08.2013 and it was decided by way of settlement that the present respondent would be paid an amount of Rs.14,000/- to her by way of maintenance. It is further alleged by the present respondent that he has also paid Rs.30,000/- to the present applicant and also agreed to incur the expenses towards the education and medical expenses of the children. It is contended that the present respondent further agreed to bear all the expenses and fulfilled all the matrimonial obligations and therefore, the present applicant agreed for the amount of Rs.14,000/-. After the said settlement, they started residing separately, however, there was a discord between them as the present respondent has not fulfilled the matrimonial

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obligations and again started ill-treating her. The present respondent preferred an application for quashing of the order of maintenance wherein the present applicant filed her reply and also filed counterclaim. In the said counterclaim, she has claimed the enhancement of maintenance on the ground that the present respondent is earning handsome amount by way of salary and there is no other person dependent on him. On the contrary, she has to incur the expenses towards the education as well as the medical treatment of the children. She has to incur the expenses towards the food, clothing of the children and therefore, the amount of Rs.14,000/- is inadequate amount. In view of that, she claimed the enhanced maintenance amount.

6. The learned Family Court rejected the application of the present respondent which was filed under Section 127 of Cr.P.C. and enhanced the amount of the maintenance at the rate of Rs.10,000/- to the present applicant and Rs.10,000/- to her son Sarthak.

7. Being aggrieved and dissatisfied with the same, present revision application is filed by the present applicant on the ground that the present respondent is serving as Office Superintendent and drawing salary of Rs.1,04,975/-. After deduction, he is getting an amount of Rs.52,730/-. There is nobody dependent on him and therefore, she is entitled for the

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enhanced amount of maintenance. It is further her contention that now her son Sarthak is studying in 11th standard. She has incur the expenses towards his education as well as towards the medical expenses. Her elder son, though has attended the age of majority, but still he has not having any job and therefore, she has to incur the expenses towards him also. It is further contended that the prices of the essential commodities are rising day by day as well as the cost of the education is also rising day by day. For all the above grounds, the applicant is entitled for the enhanced maintenance amount. It is further contended that ordinarily, the enhanced maintenance amount is to be granted from the date of the application, but the learned Family Court has not granted the enhanced maintenance amount from the date of application, and it was granted from 14.11.2024, and therefore, the said order also deserves to be quashed and set aside and the respondent be directed to pay the maintenance amount from the date of application i.e. the reply and counterclaim filed by the present applicant in the application filed by the present respondent i.e. from 06.01.2017.

8. Heard learned counsel for the applicant. None appears for the respondent.

9. Perused the entire evidence on record as well as the impugned judgment. It reveals that it was the present

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respondent, who preferred an application under Section 127 of Cr.P.C. for quashing of the maintenance order, which was passed on the basis of the compromise between the parties. He has also filed on record the salary slip of September 2024, which shows that he is serving as Officer Superintendent and drawing salary of Rs.1,04,975/-, after the deduction, he is getting the amount of Rs.52,730/-. The evidence on record shows that the present applicant has examined herself vide Exh.35 before the learned Family Court. She has produced on record the various documents including water bill, tax bill and other expenses as well as the present respondent has also adduced his evidence to show that he has other expenses also and therefore, he is unable to pay the maintenance amount. The learned Family Court has considered all the aspects and observed that in view of the compromise between the parties on 17.08.2013 and as the present applicant was residing along with the present respondent and agreed to pay the amount of Rs.14,000/- towards maintenance, which he has not paid, and therefore, there are arrears of Rs.1,75,000/-.

10. It is further revealed from the investigation that the present respondent has not complied with the terms and conditions of the settlement, and therefore, the applicant preferred an application for enhanced maintenance amount. It reveals from the record that the present respondent is in a

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Government service drawing salary of Rs.1,04,975/-. After compulsory deduction, he is getting an amount of Rs.52,730/-. By considering the same that the respondent has to incur the expenses for himself as well as he has to pay the maintenance amount also and by considering the legislation is a welfare legislation and the present applicant has to incur the expenses towards her children as well as towards herself, the Family Court has granted maintenance. It is well settled that in determining the amount of maintenance, the Court has to consider the position and status of the parties, the reasonable wants of the claimant, if the claimant is leaving separately; whether the claimant is justified in doing so or the value of the claimant's property and any income derived from such property, or from the claimant's own earning or from any source and the number of persons entitled to maintenance under this Act. In determining the amount of maintenance, if any, to be awarded to the dependent, regard shall be given to the net value of the estate of the others spouse, the provision, if any, made for the maintenance to the wife and children, the nature of the relationship between the reasonable wants of the dependent and past relations between the dependent and the claimant.

11. Considering all these aspects, the Family Court has granted maintenance at the enhanced rate i.e. Rs.10,000/- each to the present applicant as well as her minor son Sarthak,

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therefore, I do not find that there is any interference is called for, as far as the amount of maintenance is concerned. Only the order is to be modified to the extent of date of the grant of the enhanced maintenance amount. Ordinarily, the enhanced maintenance amount is to be granted from the date from which it is claimed. Admittedly, the respondent preferred an application under Section 127 of Cr.P.C. for quashing of the maintenance amount, wherein the present applicant has filed a reply and counterclaim on 06.11.2017 and claimed the enhanced maintenance amount. However, the learned Family Court has granted the enhanced maintenance amount from the date of 14.11.2024, therefore the order of the learned Family Court requires to be modified to the extent that the present applicant as well as her minor son Sarthak are entitled for grant of maintenance from the date of 06.11.2017. In view of that, I proceed to pass following order:

ORDER

- (i) Criminal Revision application is **partly allowed.**
- (ii) The judgment and order of granting maintenance by the learned Family Court, Nagpur is modified to the extent that the applicant and her son Srathak are entitled to receive the maintenance at the rate of Rs.10,000/- each from the date of the reply and counterclaim filed by the present applicant i.e. from 06.11.2017.

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With this the revision application is disposed of.

(URMILA JOSHI-PHALKE, J)

Sarkate.