



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL REVISION APPLICATION (REVN) NO. 189 OF 2025

PETITIONER : Mrs. Vidya Satish Gadge
Aged about : 60 years,
Occ. Household, R/o Quarter No.B-6/4,
Government Employees Colony,
Ravi Nagar, Nagpur.

V E R S U S

RESPONDENT : Satish Prabhakarrrao Gadge,
Aged about 62 years,
Occ. Retired,
R/o MHADA Block No.23/53,
MIG, Old Mhada Colony, Wardha.

Shri D. V. Lahoti, Advocate for applicant.

CORAM: URMILA JOSHI-PHALKE, J.
DATED : 10/04/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.
2. By this revision application, the applicant is seeking enhancement of the maintenance amount, which is granted by the 17th Additional Chief Judicial Magistrate, Nagpur in Criminal M. A. No.1870/2019 by which maintenance @ Rs.7,000/- p.m. was granted to the applicant by order dated 03/03/2023.
3. The applicant and the non-applicant are husband and wife. Their marriage took place on 21/01/1988. From the said wedlock, they are having two daughters and one son. As per

allegations after marriage, she has shared the household with the non-applicant. Since the date of marriage, she was not respected in the family neither his mother, brother or his siblings or any other relatives of non-applicant had been to the house of the applicant. Even the non-applicant has not taken her and her children to his parental house. After one year of marriage also, mother of the non-applicant has never invited applicant and her children for celebration of any festival. The relatives of the non-applicant also never visited the applicant's house either on any festival or at the time of her delivery. It is contended by her that the applicant was serving as an Assistant Engineer in PWD Department. He was transferred to Nagpur while she was residing at Nagpur. The non-applicant has not taken care of education of his children and not even provided any expenses. He used to throw away the books of her son as well as he used to abuse her in filthy language and was telling her to do the profession of prostitute and earn money. He was not celebrating any festival with her as well as with the children, not allowing the daughter to come out of the house in the evening and he was having illicit relations with other woman including his sister-in-law and therefore, she constrained to leave the matrimonial house. After she left the matrimonial house, she approached to the Judicial

Magistrate First Class for grant of maintenance by preferring Criminal Application No.1870/2019.

4. Though the said application was strongly opposed by the non-applicant by denying all the contentions and stated that he has taken every care of his children and provided everything including education, he has specifically denied the contention of the applicant regarding the extra-marital relations and prays for rejection of the application.

5. To prove her case, she examined herself as well as she has also relied upon the domestic incident report (Exh.5) and Exh.13 is last pay salary slip of the non-applicant as well as the settlement. A copy of the complaint given to the Ambazari Police Station (Exh.15). The non-applicant has not adduced any evidence in support of his contention.

6. After hearing both the sides, the learned Trial Court has granted maintenance @ Rs.7,000/- and also cost of litigation as Rs.25,000/-.

7. Being aggrieved and dissatisfied with the same, present revision application is preferred by the applicant for enhancement of the maintenance on the ground that the non-applicant was serving as an Assistant Engineer in PWD Department drawing handsome salary. She has every right to lead her life as per the

status of her husband but very meagre amount is granted towards the maintenance by the Chief Judicial Magistrate under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, “the said Act”). She submitted that considering the prices of the essential commodities are touching to the sky and considering her advance age, as she is suffering from various ailments, she has to incur the expenses towards the medical expenses as well as food, clothing and shelter and therefore, the amount of Rs.7,000/- is very meagre amount. In view of that, the revision application deserves to be allowed.

8. Despite service of notice, none appears for the non-applicant.

9. Heard learned counsel for the applicant who reiterated the said contentions and invited my attention towards the evidence of the present applicant as well as the observation of the Trial Court. To counter the evidence of the applicant, admittedly, the non-applicant has not adduced any evidence.

10. It is admitted position that he was serving as an Assistant Engineer in PWD Department and his last salary was Rs.80,000/-. Now, he is retired and drawing pension of Rs.35,000/-. No other person is dependent on him and therefore, amount of maintenance deserves to be enhanced.

11. After hearing the learned counsel for the applicant and after going through the entire record, it reveals that it is not in dispute that they are husband and wife. The relationship of the applicant and non-applicant is still in existence. She has filed previous complaints as to the domestic violence at the hands of the present applicant by relying upon domestic violence report as well as the complaint given to the Ambazari Police Station (Exh.15). She has specifically stated the behaviour of the present applicant towards her as well as towards her children. The learned Trial Court has considered the same. In the present revision, only issue involved is as to the quantum of maintenance. She has specifically come with a case that after marriage, she was never taken by the present applicant at his house. His parents or other relatives also not visited her house. He used to throw the books of children. He was not providing any amount towards her maintenance or for the expenses of the children and used to throw books of the children and was abusing her in a very filthy language by saying that she should do the prostitute profession and earn money. Admittedly, this aspect remain unchallenged during the evidence before the Trial Court.

12. Coming to the aspect of the domestic violence, the definition given under Section 2(f) of the Protection of Women

from Domestic Violence Act, 2005 regarding “domestic relationship” states domestic relationship means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

13. Section 3 of the said Act deals with the domestic violence which includes physical abuse, sexual abuse, verbal and emotional abuse and economic abuse. This clause defines the expression of the domestic violence means any act, omission or commission or conduct of the respondent shall amount to domestic violence in certain circumstances. It includes causing physical abuse, sexual abuse, verbal and emotional or economic abuse which are also explained in the clause. In determining whether any act, omission or commission or conduct of the respondent constitutes domestic violence, the overall facts and circumstances of the case shall be guiding factor.

14. In the present case, the allegation is that he was not taking care of her as well as her children’s needs as well as used to abuse her. Thus, this would cover under verbal and emotional abuse which includes insults, humiliation. Similarly, it also covers

under the economic abuse as she was deprived of all or any economic or financial resources to which the aggrieved person i.e. the applicant is entitled under any law or custom whether payable under an order of Court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, *stridhan*, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance.

15. Admittedly, there is no evidence on record to show that he has made any provision for the maintenance of the present applicant or was seeking care of providing her food, clothing, shelter or any amount towards her medical expenses.

16. The learned Trial Court has considered the same and also considered that prior to filing of this application on 19/10/2018, the applicant has filed a complaint at Ambazari Police Station. It is further observed that though the police have instructed the present applicant, he has left to Wardha leaving the applicant in Nagpur. The applicant is also not having other residential accommodation and therefore, she applied to the concerned Government Department for permission to reside in Government Quarter in alternate accommodation. Thus,

considering the evidence on record, prima facie material shows that she was deprived of getting the expenses for her livelihood and thereby, the act of the present non-applicant covers under the economical abuse.

17. The evidence on record shows that he was working as an Assistant Engineer and his last salary for February, 2007 was Rs. 80,535/-. After retirement, he is getting pension more than Rs.35,000/- per month. Admittedly, there is no evidence on record to show that except the applicant, any other person is dependent on him. Admittedly, he has not made any provision for her maintenance or her shelter. It is also an admitted position that the prices of the essential commodities are touching to the sky and she has to incur the expenses for her food, clothing and shelter as well as towards the medical expenses as she is in advance age. Therefore, the amount of Rs.7,000/- granted by the Chief Judicial Magistrate, Nagpur appears to be very meagre amount. Considering the fact that the prices of the essential commodities are touching to the sky.

18. The objective of granting maintenance is to ensure that the dependent's spouse is not reduced to destitution or vagrancy on account of the failure of the marriage and not as a punishment to the other's spouse. There is no straight jacket formula for fixing

the quantum of maintenance to be awarded. However, the factus which *inter alia* requires to be considered are the status of the parties, reasonable needs of the wife and dependent children, whether the applicant is educated and professionally qualified, whether the applicant has any independent source of income, whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to matrimonial home, whether the applicant was employed prior to her marriage and whether she was working during the subsistence of marriage or whether the wife was required to sacrifice her employment opportunity for nurturing the family, child caring and looking after the adult members of the family and reasonable cost of litigation for non-working wife.

19. In the light of the abovesaid facts what requires to be considered is the status of the parties, reasonable wants of the complainant, the dependent's income and property of the claimant. The number of persons the non-applicant has to maintain, the amount should pay the applicant to live in similar lifestyle as he/she enjoyed the matrimonial home, non-applicant's liabilities, provision for food, clothing and shelter, education, medical attendance and treatment, etc. The paying capacity of the non-applicant, some guess work is not ruled out by estimating the

income of the non-applicant. The non-applicant to determine the cost of litigation. The amount awarded under Section 125 of the Code of Criminal Procedure is adjustable against the amount awarded under Section 24 of the Act.

20. In the light of the abovesaid requirements, admittedly, the non-applicant has not taken care of her day to day needs as well as towards her health and she was deprived of all above facilities. There is no dispute that the non-applicant is already retired and thereby, the applicant is also at advance age. Therefore, she requires some amount for her medical treatment also.

21. In that circumstance, considering that the non-applicant is getting amount of Rs.35,000/- as pension, no other person is dependent on him. In view of that, amount of Rs.7,000/- is very meagre amount, which is required to be enhanced.

22. By applying the abovesaid principles laid down, the amount of maintenance is enhanced from Rs.7,000/- to Rs.8,000/-. In view of above discussion, I proceed to pass following order :-

ORDER

- i] Criminal Revision Application is partly allowed.
- ii] The non-applicant is directed to pay amount of Rs.8,000/- as a maintenance to the applicant. In addition

to that, he shall pay the accommodation for the non-applicant to the extent of Rs.4,000/- per month on production of rent receipts.

23. With this, revision application is disposed of.

[JUDGE]