

**CRI.REVISION NO. 4/2019,JUDGMENT**

|                                                                                                       |               |   |              |
|-------------------------------------------------------------------------------------------------------|---------------|---|--------------|
| MHAH070000772019<br> | Presented on  | : | 11/02/2019   |
|                                                                                                       | Registered on | : | 12/02/2019   |
|                                                                                                       | Decided on    | : | 16/04/2026   |
|                                                                                                       | Duration      | : | Y. M. D.     |
|                                                                                                       |               |   | 07 - 02 - 05 |

**IN THE COURT OF DISTRICT JUDGE-2, SANGAMNER,**  
**AT-SANGAMNER, DIST. AHMEDNAGAR.**

(Presided over by : Dhananjay A. Deshpande)

**Cri. Revision No. 4/2019**

**Exh.No.09.**

**Ravsaheb Bhau Mane,**

Age- 44 Years, Occu.- Agricultural,

R/o. Tambhol, Tal. Akole,

Dist. Ahmednagar

**...(Applicant)**

**Versus**

1. **Bhau Gabaji Mane,**

Age- 83 Years, Occu.- Agricultural,

2. **Anusaya Bhau Mane,**

Age- 78 Years, Occu.- Agricultural,

Both r/o. Tambhol,

Tal. Akole, Dist. Ahmednagar

**...(Respondent)**

**Appearance :-**

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Adv. Shri. A.D. Ganpule, for the applicant.

Adv. Shri. R.K. Jorwar, for the respondent.

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**: JUDGMENT :**

(Delivered on 16/04/2026)

01. Original opponent son being aggrieved with the dismissal of his application seeking alteration in the amount of maintenance granted in favour of his octogenarian parents has preferred this revision.

02. The parents had filed Cri.M.A.No. 107/2013 for relief of maintenance which was granted ex-parte by an order dated 30.01.2014, wherein each of the parents was granted Rs.1,000/- as monthly maintenance. Consequent to passing this order and while the recovery proceeding was pending, the son in presence of his sisters gave the agricultural property Survey No. 78/2 together with orchid standing in the name of his wife to his parents for their maintenance. It is his case that his parents have been staying in the agricultural field and earning income through the same as well as the orchid. In view of the same the son filed said application for alteration/cancellation of order of maintenance.

03. The parents appeared and filed their reply at Exh.14 denying the contentions as to change in circumstances. They alleged that their son on instigation of his wife harassed them and did not care for their maintenance or wellbeing. It was alleged that even while the parents were ill, the son did not bother to pay for their medication. They further averred that he got hallow sale deed of the property owned by respondent No.1 in favour of his wife by use of force and a suit for partition concerning the same was subjudice. The parents alleged that they being old and unable to work and their son obstructing them from cultivating land were left with no choice but to rely on the order of

maintenance for their sustenance. They, therefore, sought for dismissal of the application.

04. Applicant-son examined himself at Exh.11 whereas respondent No.1 lead his own evidence at Exh.21.

05. The learned trial Court observed that it was for the son to prove that there has been material change in the financial condition of the respondents warranting alteration in the order of maintenance. However, there was no such evidence. The respondent being old and infirm were not in position to cultivate the agricultural land and as such unable to maintain themselves. The learned Magistrate accordingly dismissed the application and hence, the revision.

06. I have heard Adv. Mr. A.D. Ganpule for the appellant. None appeared for the respondents despite sufficient opportunity however to ensure that no prejudice was caused to them, the matter was adjourned from time to time. Ultimately, as the matter was more than 5 years old, Advocate Mr. D.D. Divekar who happened to be in the Court was requested to assist the Court and argue the matter on behalf of the respondents. Advocate Mr. Divekar graciously accepted the request and within short time ably argued the matter. Perused the record in the form of certified copies in the light of rival contentions. Following points arise for my determination and I have answered the same for the reasons that follow:

**POINTS**

**FINDINGS**

1. Whether the learned Magistrate had committed any illegality, impropriety or procedural irregularity in passing the impugned order ?

Negative.

2. What order ?

...As per final order.

**REASONS**

**Point No. 1:-**

07. Revisional jurisdiction is limited to correcting jurisdictional of errors and the revision Court is not supposed to substitute its own views, so long as the conclusion drawn by the trial Court are plausible, reasonable and referable to the material on record. Merely because the Revisional Court would arrive at a different conclusion on the self same evidence, it would not be a ground to disturb the discretion exercised by the learned trial Court. Having so fixed the contours, I now proceed to deal with the merits of the matter.

08. The revision applicant having preferred an application under Section 127(2) of Code of Criminal Procedure was required to plead and prove that there has been material change in the order of maintenance, requiring either obliteration or alteration therein. For that applicant has relied on certain incidents like the respondents being in possession of agricultural land and earing through its cultivation as well as from the custard apple and sapodilla, orchid. The respondent No.1 in the course of cross-examination admitted that he has been staying in the agricultural land but further alleged that the applicant's son did not allow him to cultivate the land and it was difficult for them to sustain. The applicant's son has admitted that on account of age of his parents they are hardly able to walk. The title clause reveals that when the application for modification was filed, both the parents were aged more than 80 years old. It is difficult to believe that in this advanced age they would be in a position to undertake labourous job of cultivating agricultural land and earn income there from. Even if one is to assume that the orchid was

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income generating, yet again it would be difficult for this advanced aged couple to manage the plucking of fruits their packaging, sale etc, because of their age and related issues. It is one thing to say that they possess means and other that those means are income generating or that the respondents are in position to exploit them to earn income. In absence of their physical condition to do so, the learned trial Court rightly disbelieved that there was a change in their earning so as to warrant alteration in the allowance of maintenance granted in their favour.

09. Even otherwise considering the rising inflation, health of the respondents and their age which would require more expenses for age related medical issues, an order of Rs.1,000/- per month as maintenance to each of the parents, against their only earning son cannot be said to be shockingly disproportionate. The order does not reflect improper exercise of the discretion by the learned Trial Court. In view thereof I answer point No.1 in the negative and proceed to pass following order

**ORDER**

- A. Cri. Revision No. 4/2019 preferred against judgment and order passed by the then J.M.F.C. Akole in Cri.M.A. No. 275/2016 is dismissed with cost of Rs. 1000/- (Rs. One Thousand)
- B. Inform the trial Court accordingly.

Sangamner.  
Date : 16/04/2026.

( Dhananjay A. Deshpande)  
District Judge-2 & Additional  
Sessions Judge, Sangamner.  
(MHJG04-2722)