

MHAH130002362020	Presented on	:	11/03/2020
	Registered on	:	11/03/2020
	Decided on	:	10/04/2026
	Duration	:	Y. M. D.
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**IN THE COURT OF DISTRICT JUDGE-2 AND ADDITIONAL
SESSIONS JUDGE, NEWASA,
DIST. AHMEDNAGAR**

(Presided over by : R. R. Hastekar)

Criminal Revision Application No.08/2020

Exh.14

1. Aarifa Nasruddin Shaikh, 40 years,
2. Naurin Nasruddin Shaikh, 18 years,
Occu. :Education,
3. Sohel Nasruddin Shaikh, 15 years,
All R/o. Bhanashiwara
Tal. Newasa, Dist. Ahmednagar.

**Revision Petitioners
(Applicants)**

VERSUS

Nasruddin Babulal Shaikh, 45 years,
Business, Agriculture,
R/o. Bhanashiwara
Tal. Newasa, Dist. Ahmednagar.

**RESPONDENT
(Non-applicant)**

APPLICATION : REVISION

ADVOCATES :

For Revision Petitioners (Applicants) : Ld. Adv. Shri. N. S. Joshi
For Respondent (Non-applicant) : Ld. Adv. Shri. K. S. Dhere

:: J U D G M E N T ::

(Delivered on this 10th day of April, 2026)

This Revision Petition is directed against the Judgment and Order dated 14/02/2020, in Criminal Miscellaneous Application No. 40/2018, of the Court of Judicial Magistrate First Class (Court no.3) Newasa.

2] Applicants filed Criminal Miscellaneous Application No. 40/2018 for maintenance under section 125 of Cr.P.C. By the order dated 14/02/2020, non-applicant Nasruddin is directed to pay maintenance of amount of Rs.2000/- per month to applicant no.3 Sohel, till his attaining majority. The application for maintenance to the extent of claims of applicant no. 1 Aarifa and applicant no.2 Naurin was rejected.

3] Aggrieved thereby, applicants have filed this Revision Petition. In this Revision Petition, it is urged that non-applicant Nasruddin be directed to pay Rs. 5000/- per month towards maintenance, to applicant no. 1 and Rs. 3000/- per month towards maintenance to applicant no.2.

4] It is not disputed that non-applicant Nasruddin is husband of applicant no.1 Aarifa. Applicant no.2 Naurin is their daughter and applicant no.3 Sohel is their son. Their eldest daughter Karishma is married. Matrimonial home and parental home of applicant no.1 Aarifa are in village Bhanashivara.

5] In brief, facts of case of applicants, as stated in the application; are as under.

- i) Applicant no.1 Aarifa and non-applicant Nasruddin got married 20 years ago. In the beginning they worked well together. However, in year 2012 non-applicant started making demand of Rs. 2,00,000/- for purchasing a Rickshaw. Financial position in parental home of applicant no.1 was weak, it was not possible to meet the demand.
- ii) In year 2012, applicant no.1 along with applicant nos. 2 and 3 were driven out of the matrimonial home.
- iii) Grampanchayat Bhanashivara allotted a plot to applicant no.1. Applicant no.1 secured loan from Yashvant Gramin Pat-Sanstha and Shriram Gramin Pat-Sanstha and constructed home on that plot.
- iv) Applicant no.1 did manual labour work for eking out a livelihood. She has also started Bachat-Gat named and styled as Ahilya Bachat-Gat.
- v) Applicant no.1 is President of Ahilya Bachat-Gat. She is running a Fair Price Shop, of that Bachat-Gat.
- vi) Applicant no.1 did all efforts to maintain herself and applicant nos. 2 and 3. However, she is finding it difficult to meet the essential expenses out of her earning. On 11.05.2018, she made demand to non-applicant to pay amount of Rs.10,000/- per month for each of them.
- vii) Non-applicant is doing tailoring business in Bhanashivara. He also own agricultural land. He is

earning Rs.5,00,000/- to 6,00,000/- per year from tailoring business and agricultural produce.

- viii) On all above grounds, it is urged that non-applicant be directed to pay monthly maintenance of Rs. 5000/- to applicant no.1 and Rs.3000/- each for applicant nos. 2 and 3.

6] Non-applicant has filed his say at Ex.14. It is denied that he made demand of Rs. 2,00,000/-. It is denied that he has driven out applicants from his house. It is also denied that Grampanchayat has allotted plot and applicant no.1 constructed house on the plot by obtaining loan.

7] It is case of non-applicant that the plot was owned by him. He has entered name of applicant no.1 for the plot in Grampanchayat record. He has obtained loan from Pat-Sanstha. As far as Fair Price Shop is concerned, it is case of non-applicant that, he has started the Fair Price Shop. Applicant no.1 and he, when they were together were earning Rs. 60,000/- to 70,000/- per month, from the Fair Price Shop. When, they were together, once non-applicant asked applicant no.1 about the amount of income of the Fair Price Shop, but she refused to give accounts of the Fair Price Shop. Applicant no.1 has deserted non-applicant. Non-applicant has no any source of income. He is doing manual labour work. He is maintaining his parents. On these grounds, he urged to reject the application.

8] The points for determination along with my findings thereon are as under :

POINTS

FINDINGS

1. If order dated 14/02/2020 is legal, proper and correct ?

Yes

2. What order ?

As per final Order.

:: REASONS ::

AS TO POINT NO.1 :

8] Non-applicant has filed (Namuna No.8) Property Tax Extract of House Property No. 1433 issued by Grampanchayat Bhanashivara. From this extract, it is seen that, earlier name of non-applicant Nasruddin Babulal Shaikh was entered as owner. By Mutation Entry No. 1495, name of applicant no.1 Aarifa was recorded to this house. This Property Tax Extract is at Exhibit 20.

9] Non-applicant Nasruddin has also filed Mutation Entry No. 1495. It is at Exh.21. By Mutation Entry 1495 dated 07.05.2014, it can be gathered that, name of applicant no.1 Aarifa came to be recorded on the application of non-applicant Nasruddin. In this Mutation Entry, it is mentioned as under :

“ अर्जदाराचा अर्ज व मासिक सभा दि. २५.०४.२०१४ चा ठराव ७(१)वरून त्यांच्या नावावरील साहान जागेमध्ये त्यांनी स्लॅब इमारत बांधकामची नोंद होवून सदरची मिळकत त्यांची पत्नी आरिफा नसरुद्दीन शेख यांचे नावे नोंद केली. ”

10] It is case of applicant no.1 that she was driven out in year 2012. However, from Mutation Entry 1495, it is clear that in year 2014, house property 1433 came to be recorded in name of applicant no.1. Rather, it can be gathered that parties were together in year 2014

11] It is case of applicant no.1 that Grampanchayat allotted her vacant plot. However, it did not seem true as the plot was in name of non-applicant. It is case of applicant no.1 that, she obtained loan and constructed house on the plot. However, in Mutation Entry 1495, when the property was recorded in name of applicant no.1, it was not a vacant plot but it was a house. Non-applicant has filed Mutation Entry 1732 dated 04.06.2018. From this Mutation Entry, it is seen that applicant no.1 obtained loan, mortgaging the House Property no. 1433, from Shriram Gramin Pat-Sanstha. Charge of loan of Rs.2,00,000/- is seen recorded on House Property no.1433. The loan was obtained in year 2016.

12] Applicant no.1 filed mortgage-deed which was made in favour of Yashvant Gramin Pat-Sanstha for loan amount of Rs.1,00,000/-. This mortgage-deed was made by applicant no.1 and applicant no.1 has loan of Rs. 1,00,000/- from Yashvant Gramin Sahakari Pat-Sanstha on 24.08.2016.

13] In the papers enclosed to mortgage-deed, there is letter of Yashvant Gramin Pat-Sanstha, written to Sub-Registrar,

Newasaa for registration of the mortgage-deed. In this letter, it is mentioned that loan of Rs.1,00,000/- is given to Aarifa Nasruddin Shaikh for running a Fair Price Shop.

14] From this mortgage deed and the letter annexed to mortgage deed, it can be gathered that applicant no.1 Aarifa has obtained loan and loan was not obtained by Ahilya Bachat Gat. If, Fair Price Shop was allotted by Tahsildar to Ahilya Bachat Gat, then Ahilya Bachat Gat would have obtained loan or, applicant no.1 in the capacity of President of Ahilya Bachat Gat would have obtained loan.

15] Even in the mortgage-deed, there is no mention of Ahilya Bachat Gat. Name of applicant no.1 is not mentioned as President of Ahilya Bachat Gat.

16] In cross-examination, applicant no.1 Aarifa states that she was running Ahilya Bachat Gat from last five years. After stating so, she voluntarily stated that she earn Rs.1000/- from Ahilya Bachat Gat. In her own words, it is as under:

“ मी साधारणतः पाच वर्षांपासून अहिल्या बचत गट चालवते. साक्षीदार स्वतःहून सांगतात की, सदस्या बचत गटातून मला १०००/- रुपये मिळतात.”

17] Applicants are residing in house of non-applicant. Applicant no.1, as on the date, is running the Fair Price Shop. These facts are admitted to both the parties as seen from

pleadings and evidence.

18] It is difficult to gather that parties are separated in year 2012. The application for maintenance was filed in the Court of Judicial Magistrate First Class on 29.03.2018. The plot was made in name of applicant no.1 and house was built before it. The house was made in name of applicant no.1 in year 2014. Fair Price Shop might have been started in year 2015 or 2016. There is no evidence as to who made application and formalities for opening the Fair Price Shop. It is difficult to gather as who launched the Fair Price Shop ? If it was launched by applicant no.1 ? Or, if non-applicant has also made contribution ? However, it will not be a matter of issue as to who is pioneer. For this application, it is sufficient that applicant no.1 is proprietor of the shop and the income goes to her.

19] When applicant no.1 is running the Fair Price Shop, it was burden on her to show that the income is too paltry to meet basic needs. If the amount that she earns from the business of the shop is meager, she would have filed proof to that effect. She is required to maintain bill books and account of the shop. She should have stated amount of her income when non-applicant has pleaded that when they were together, they were earning Rs.60,000/- to Rs. 70,000/- from the turn over of the Shop.

20] Judicial Magistrate First Class rightly hold that applicant no.1 has source of income. Judicial Magistrate First Class rightly hold that applicant no.2 is major and not entitled for maintenance.

21] The Order dated 14.02.2020 is legal, proper and correct. Hence, I have given my finding to point no.1 in the Affirmative.

AS TO POINT NO.2 :

22] The revision is devoid of merit. Hence, I pass following order :

:: ORDER ::

- 1) Revision Petition is dismissed.
- 2) Parties shall bear their own cost.
- 3) Record and Proceeding be sent to the Trial Court.

Date: 10/04/2026

(R. R. Hastekar)
District Judge-2 and Additional Sessions Judge,
Newasa