

Order below Exh.05

1] The present application has been filed for seeking a stay to the judgment dtd.13-3-2025 passed by the JMFC (court no.2), Wardha in Criminal M.A.No.26/2023 Vinayak Shende Vs Sau. Varsha Nandagawali. In terms of the said judgment, the non-applicant daughter had been directed to pay Rs.7,000/- per month to her father towards maintenance from the date of the filing of the application under section 125 of Cr.P.C. i.e. from 18-4-2023.

2] As per the application under consideration, the petitioner who has filed the present revision has been asked to pay the said sum of money even though her father had more than sufficient means to maintain himself. It has then been stated that the amount of maintenance as awarded is exorbitant and the judgment has been obtained by making false allegations and by suppressing material facts. Consequently, the petitioner is seeking a stay to the same. The respondent has filed his reply (Exh.10). Therein it has been pointed out that the revision petitioner is the respondent's daughter and earns Rs.90,000/- per month by working as a staff nurse in the Sevagram hospital. Pointing out that the respondent is the petitioner's old father who had educated her and performed her marriage, it has been contended that a sum of Rs.1,70,000/- is outstanding against the petitioner. The respondent has also stated that he is a heart patient requiring regular medicine and hence, the impugned judgment is not required to be stayed.

3] Heard the respective Advocates for the parties. Prima facie, a perusal of the judgment impugned will show that the father in

question had sought monthly maintenance of Rs.25,000/- from the daughter who is working as a nurse. This is because, after working as an electrician in the Kasturba Health Society, the father had retired in 2012 and was receiving a very meagre pension due to which he – as per his contention, was not in a position to maintain himself. On the other hand, a perusal of the documents filed on the record in this revision along with the list (Exh.12) will show that on 4-6-2024 the respondent had sold plot No.6 out of Survey No.61/1 in mouza Mhasala, Dist. Wardha for a sum of Rs.7,00,000/-. The other sale-deed dtd.23-10-2024 will also show that plot No.7 out of Survey No.144/1 of mouza Mhasala Dist. Wardha, had been sold by the respondent for Rs.3,00,000/- on 23-10-2024. Hence, it appears that since June 2024 till December 2024 and some months onward, the respondent had a sum of Rs.10,00,000/- at his disposal.

4] A perusal of the respondents cross-examination before the ld. Trial court will further indicate that in the year 2020 he had sold land bearing Gat No.125/1 in mouza Rotha for Rs.85,00,000/-. Some amount of money as per the respondent's father was given by him to his children. Prima facie therefore, it appears that though the father of the revision petitioner had sufficient money in the year 2020, he built a house and even gave some money to his son and daughter. Thereafter, it appears that he suffered a heart attack for which money was required to be spent for his treatment. In such a situation record, when even the revision petitioner is shown to be earning a handsome salary Rs.90,000/- per month, I am of the opinion that the effect and operation of the judgment impugned is required to be stayed from the date of the said application i.e. 18-4-2023 till the date of its decision

i.e. 13-3-2025 only. For the subsequent period however, keeping in mind the age of the respondent father, as also the fact that the money received by him from the sale of the two plots as mentioned here-in-above in the year 2024 may have already been spent by him for his maintenance, I proceed to pass the following order.

Order

1. The application for stay stands partly allowed. The execution of the judgment in Cri.M.A.No.26/2023 Vinayak Shende Vs Sau. Varsha Nandagawali dtd.13-3-2025 is hereby stayed for the recovery of maintenance for the period 18-4-2023 to 13-3-2025. However, for the subsequent period, the petitioner is directed to regularly pay the sum of Rs.7,000/- per month to the respondent without fail.
2. If the revision petitioner fails to comply with the aforesaid directions, the order staying the effect and operation of the judgment impugned for the period as previously stated shall stand automatically vacated.
3. Inform the Ld. Trial Court accordingly.

Wardha.
Date – 06.11.2025.

(Ms. S.J. Ansari)
Additional Sessions Judge, Wardha.

Certificate

“ I affirm that the contents of the P.D.F. file order are same word for word as per original order.

S.V. Dakhane
(Stenographer G-1)