


MHWS010015962022	Presented on : 03/10/2022
	Registered on : 04/10/2022
	Decided on : 22/05/2026
	Duration : 03Y 07M 18D

**IN THE COURT OF**  
**ADDITIONAL SESSIONS JUDGE, WASHIM.**  
(Presided over by Smt.V.D.Ingle)

**Criminal Revision Appln. No.37/2022**

**Exh. 23**

<b>Ashok Pralhad Dandade</b> Age: 60 Yrs. Occu.: - Retired R/o Mandhane Layout, Washim Tq. Dist. Washim.	<b>PETITIONER</b> (Ori. Non applicant)
<b>Versus</b>	
<b>Lilabai Ashok Dandade</b> Age: 54 Yrs. Occu.: - Household, R/o Kalamgavhan, Tq. Risod, Dist. Washim.	<b>RESPONDENT</b> (Ori. Applicant)
<b><u>CRIMINAL REVISION U/S 397 OF CR.P.C, 1963.</u></b>	
<b>Advocates:-</b> For Petitioner : Shri. G.V.Biyani For Respondent : Shri. M.D.Ingole	

**J U D G M E N T**  
(Delivered on this 22<sup>nd</sup> May, 2026)

Being aggrieved by the order passed by the learned

JMFC, Risod, in Criminal Application No.86/2014 between Lilabai Ashok Dandade v. Ashok Pralhad Dandade dated 30/08/2022 thereby learned trial Court was pleased to enhance the maintenance amount of the respondent to Rs.4,000/- and directed to petitioner to pay the amount from the date of application, the petitioner is filing the present revision under section 397 of Cr.PC against this order.

2] It is contended by the non-applicant that applicant had alleged that she was legally wedded wife of non applicant. She had filed MJC No.67/1994 under section 125 CrPC. The same came to be allowed on 15/07/1995 and maintenance amount of Rs.400/- per month was allowed to the applicant. Said order challenged by applicant before the Additional District and Sessions Judge, Washim bearing Appeal No.105/1995 and the same came to be dismissed. Non applicant also challenged the said order before the Additional District and Sessions Judge, Washim bearing Appeal No.89/1995 and same was also came to be dismissed.

3] Since there are change in circumstances and rise in the rates of daily necessities and there is big rise in the food item therefore she wants the enhancement in the monthly maintenance amount. Therefore, she prayed monthly maintenance amount be enhance the amount of Rs.10,000/-. The non applicant appeared in said matter and opposed the claim regarding enhancement of the maintenance amount. It is alleged that in the proceeding

bearing MJC No.67/1994, the applicant Lilabai was granted maintenance of Rs.400/- per month while the daughter of applicant Seema was granted the maintenance of Rs.350/- per month. The applicant's father filed one criminal complaint against the non applicant. On 24/06/1997 the applicant along with her family members father, mother and other relatives had settled the matter and dispute with the non applicant and had agreed that the non applicant shall transferred the immovable agricultural land in favour of the applicant and shall deposit of Rs.35,000/- in cash in the name of applicant and her daughter Seema.

4] As per the settlement, the non applicant had transferred the non agricultural land of village Gohegaon, Tq. Mehkar, Dist. Buldhana bearing Gat No.118, admeasuring 04H=54R out of that 01H=01R that is 2 acres 20 gunthas land in the name of applicant. Said document is registered with Sub-Registrar Mehkar at Sr.No.1584/1997 dated 23.06.1997. As per settlement the non applicant had also deposited the amount of Rs.35,000/- as fixed deposit with State Bank of India, Branch Kenwad in the name of applicant. The non applicant further alleged that the copy of the said compromise was filed in RCC No.114/1994 Narayan v. Ashok at Exh.43. Since he paid the entire amount in terms of immovable property as a permanent alimony and maintenance amount to the applicant, hence, there is no question of making enhancement in the maintenance amount.

5] Applicant is earning good income of Rs.72,000/- to Rs.80,000/- per year from said land. The applicant was residing separately and away from the non applicant. Therefore, he prayed for dismissal of the petition.

6] The applicant filed her affidavit at Exh.10. Non applicant filed his affidavit at Exh.25. The applicant had filed salary slip of the non applicant. The non applicant vide Exh.29 had also served the bonafide offer to the applicant. Said offer was rejected. The non applicant had also filed job relieve letter of non applicant stating that he has been retired from service and the statements of his pensions vide Exh.44 and 45. The non applicant had also filed Government valuation of the agricultural land given to applicant on record. Hence, prayed for allow the application.

7] It is submitted that the learned trial Court in para no.28 of the judgment wrongly inferred that non applicant was failed to prove that the applicant was earning the amount of Rs.72,000/- to Rs.80,000/- per year from agricultural land which was transferred to her in terms of compromise in lieu of maintenance. Learned trial Court failed to appreciate the facts that the applicant in her cross examination had clearly stated that the agricultural land transferred to her in terms of compromise was in her name and she is in possession of said land. The learned trial Court also wrongly appreciated the admission of the applicant wherein she was stated that she had lost possession of the

agricultural land. The learned trial Court had completely ignored the fact that the applicant had not taken any steps to restore the possession. Thus, it could be easily inferred that the applicant was given the land in lieu of maintenance and she was cultivating it. The learned trial Court ought to have held that the applicant was given an immovable property in lieu of permanent maintenance. The trial Court ought to have held that she said agricultural land was standing in the name of the applicant and she is enjoying the fruits of the said agricultural land. The learned trial Court had erred in coming to the conclusion that the non-applicant had failed to prove that the amount of Rs.35,000/- was deposited with the Bank and she is enjoying the interest of the said deposit.

8] The learned trial Court had wrongly inferred that in terms of the salary slip and the details of the pension of the non applicant, he is earning much more. The learned trial court erred in coming to the conclusion that non applicant had failed to give in evidence recorded the income of the agricultural of the applicant. The learned trial Court had erred in enhancement the maintenance amount from Rs.400/- to Rs.4,000/-. The learned trial Court had wrongly enhanced the compensation amount of Rs.4,000/- and directed the non applicant to pay the amount from the date of filing of the petition. Hence, prayed to allow the revision petition and to set aside the judgment passed by learned JMFC Risod in Misc. Cri. Application No.86/2014 dated 30/08/2022.

9] Heard both the sides. Following points arise for determination and I have recorded my findings thereon for the reasons followed thereafter :

<b>Sr. No.</b>	<b>Issues</b>	<b>Findings</b>
1.	Whether the Trial Court passed correct, legal and proper order?	Affirmative.
2.	What Order?	As per Final Order.

### **REASONS**

#### **Point No.1 and 2 :**

10] It is the contention of learned counsel for non-applicant is that the non-applicant was given an immovable property in lieu of permanent maintenance. Hence once the full and final amount of maintenance is given to wife in terms of cash or fine or immovable property and she is living separately then she is not entitled to claim the enhancement amount in the granted or given maintenance amount from the husband. So also the learned counsel for the non-applicant also argued that the learned trial court erred in coming to the conclusion that non-applicant had failed to prove that the amount of Rs. 35,000/- was deposited in the applicants Bank account and she is enjoying the interest of the said deposit.

11] Hence it is necessary to considered the evidence and finding passed by the learned trial Court in that regard. It is a

specific contention of learned counsel for the non-applicant that the appellant in her cross-examination had clearly stated that the agriculture land transferred to her in terms of compromise was in her name and she is in possession of the said agricultural land, but it appears that the non-applicant has not file any document showing income from the said land to the applicant and she is capable to maintain herself hence the learned trial court rightly observed in para no. 28 that though the land Gut No. 118 was given in the name of applicant as per compromise deed but it has not came on record that she is drawing income from the said land and is capable of supporting herself. It also appears from the evidence of non-applicant that though he deposed that in compromised which took place between him and applicant he gave 35,000/- to the applicant. But he he failed to produce any document showing that he deposited the said amount in the account of applicant.

12] On the other hand the applicant has filed on record salary slip and pension slip of non-applicant which shows that applicant is getting sufficient pension amount, hence the learned trial court has rightly observed that in para no. 29 it is not brought on record that the applicant has another son and she is living with him. The learned trial court rightly observed that the amount of maintenance received by the applicant in the previous case was only of Rs. 400/- per month and considering the increase market price and other prices during the last 25 years. It is impossible for

the applicant to maintain herself on this maintenance of Rs. 400/- per month. It is also brought on record that the non-applicant has neglected the maintenance of the applicant. Even though he has sufficient means of income.

13] It appears that since 1994 parties have filed many cases against each other, it also appears that the learned trial court after taking into consideration of document and oral and documentary evidence rightly passed judgment and order. It appears that there is no illegality or incorrectness in the judgment and order passed by the trial court. Therefore, order of learned trial court does not warrant interference. Hence, I answer point No.1 in the affirmative and hold that the revision petition is devoid of merit and is liable to be dismissed. In the result, in answer to point No.2, I proceed to pass following order.

**ORDER**

- 1) Criminal Revision Application stands dismissed.
- 2) Proceeding is closed.

Date : 22/05/2026

(V.D.Ingle)  
Additional Sessions Judge,  
Washim.

**CERTIFICATE**

I affirm that the contents of this PD.F file Judgment/  
Order are same word to word, as per the original judgment/order.

Name of Stenographer :- T.R.Ugale, Stenographer (Grade-III)  
Name of Court :- Smt.V.D.Ingle  
District Judge-2 and Additional  
Sessions Judge, Washim.  
Date of Judgment/ Order :- 22/05/2026  
Judgment/Order signed by :- 22/05/2026  
the Presiding Officer on  
Judgment/Order uploaded on :- 22/05/2026