



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 39 OF 2022

Ravikumar Laxmanrao Lamture
Age: 39 years, Occu.: Service,
R/o Jawahar Nagar, Nanded,
Tq. & Dist. Nanded

..APPLICANT

VERSUS

1. Sonal W/o Ravikumar Lamture,
Age: 37 Years, Occu: Household,
2. Shrayesh S/o Ravikumar Lamture,
Minor U/G of Respondent No.1, his mother,

Both R/o: Taroda Khurd, Nanded,
Tq. & Dist. Nanded.

..RESPONDENTS

....
Mr. A.D. Hande, Advocate for Applicant
Mr. A.B. Shinde, Advocate for Respondents
....

CORAM : ABHAY J. MANTRI, J.
DATE : 05th MAY, 2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of learned counsel for the parties at the admission stage.

2. The Applicant is the husband of Respondent No.1 and Father of Respondent No.2, who has preferred this Application challenging the judgment and order dated 07th July, 2021, passed by the learned Judge of the Family Court, Nanded in Petition No. E-136 of 2019, which allowed the



petition filed by the present Respondents and directed the Applicant to pay maintenance of Rs. 7,500/- per month to each of the Respondents towards their maintenance from the date of filing of the application.

3. It is pertinent to note that learned counsel for the Applicant does not dispute the relationship between the parties. Also, he does not dispute that the Applicant is a teacher having a salary of Rs. 54,900/- per month in 2019. But the Applicant has filed this Application solely on the ground that an order was passed behind his back and in the absence of his written statement, and he did not contest the petition. Therefore, he urged that the matter be remanded to the learned Family Court for fresh consideration.

4. However, on perusal of the record, it appears that the Applicant appeared before the learned Family Court but failed to file his written statement / say to the petition. Similarly, during the pendency of this Application, the matter was referred for mediation to explore the possibility of settling the dispute between the parties, but the mediation failed. Therefore, I do not find substance in his contention that no opportunity was given to him to contest the matter. On the contrary, it reveals that an opportunity was given to the Applicant, but he neglected to file the written statement/say and failed to contest the matter; therefore, due to his negligence and disregard, the matter proceeded without his written statement, and the learned Family Court passed the order.



5. It is pertinent to note that the husband's obligation is to maintain his wife and children. He cannot be permitted to plead that he is unable to maintain them due to financial constraints as long as he is capable of earning. It is to be noted that the husband has to fulfil their day-to-day needs; he is duty-bound to provide a maintenance amount to them to live their life as per his status. In such an event, it is necessary to grant them maintenance. Furthermore, the Applicant failed to point out that he has no sufficient means of income to maintain the Respondents. Besides, judicial notes can be taken that there is a rise in the prices of essential commodities. Also, Respondent No. 2 is a minor, 17 years old, pursuing his education and therefore needs financial assistance for further education. In such circumstances, the maintenance amount granted to the Respondents also appears to be too meagre to satisfy their daily needs.

6. It is worth noting that Section 125 of the Code of Criminal Procedure is a social welfare provision, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right to maintenance under Section 125 and enhancement of the same under Section 127 of the Code of Criminal Procedure is not a benefit received by the wife. Still, rather the legal or moral duty owed by the husband to maintain his wife and son. Undisputedly, the wife and son do not reside with the husband, and the



husband does not pay them to live at his standard of living; these facts alone are sufficient to grant them enhanced maintenance.

7. Thus, considering the above discussion, it appears that the Applicant appeared in the matter but neglected to file his written statement and failed to contest the matter, and therefore, it cannot be said that no opportunity was given to him. Moreover, the judgment passed by the learned Family Court is just and proper; therefore, no interference is warranted in the writ jurisdiction.

8. Consequently, **the Criminal Revision Application, being bereft of merits, stands dismissed.** No order as to costs. **The Rule is discharged.**

9. Needless to clarify that the Applicant is directed to pay the entire arrears of maintenance amount to the Respondents within 60 days, if he has not paid till this date, and pay maintenance regularly to them in accordance with the order dated 07th July, 2021, passed by the learned Judge of the Family Court, Nanded in Petition No. E-136 of 2019.

10. The Criminal Revision Application is disposed of.

(ABHAY J. MANTRI, J.)