



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL REVISION APPLICATION NO.113 OF 2024**

Harish @ Roshan s/o Bhaskar Karnewar,  
Age 45 Years, Occupation Service,  
R/o 37 Munje Baba Layout,  
Ambazari, Near Bada Ganpati,  
Nagpur – 440033.

**..... APPLICANT**

**// VERSUS //**

1. Leelavati @ Reena w/o Roshan Karnewar,  
Age 37 Years, Occupation : Household,
2. Ku. Chetna D/o. Harish Karnewar,  
Age 12 Years, Occupation : Student,

Respondent No.2 is minor  
through her natural guardian/mother  
i.e. (Non-Applicant No.1)  
R/o.C/o. Shankar Katrapwar  
(Prabhakar Tailors), Golcha Marg,  
Near Karachi, Stores, Sadar,  
Nagpur – 440001.

**.... NON-APPLICANTS**

-----  
Mr. Vishwadeep Mate, Advocate for applicant.  
Mrs. Jyoti Dharmadhikari, Advocate for non-applicants.  
-----

**CORAM : URMILA JOSHI-PHALKE, J.**  
**RESERVED ON : 12.03.2026**  
**PRONOUNCED ON : 17.04.2026**

**JUDGMENT :**

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel for  
the applicant and learned counsel for the non-applicants.

(2)

4. Present revision application is preferred by the applicant challenging the judgment and order for grant of maintenance passed in Petition E-477/2017 by common judgment dated 16.02.2024 by the learned Family Court No.1, Nagpur, granting maintenance to the non-applicant Nos.1 and 2 at the rate of Rs.10,000/- per month and at the rate of Rs.5,000/- per month from the date of filing of the petition i.e. on 09.10.2017 till December 2020, and thereafter at the rate of Rs.12,000/- per month for non-applicant No.1 and at the rate of Rs.7,000/- per month to the non-applicant No.2 till December 2023, and thereafter at the rate of Rs.15,000/- per month for non-applicant No.1 and Rs.10,000/- per month to the non-applicant No.2. It was further directed that the present applicant shall pay cost of litigants expenses of Rs. 10,000/- to the non-applicant No.1.

5. Brief facts which are necessary for the disposal of the application are as under:

The applicant and non-applicant No.1 were married on 08.02.2011 at Nagpur, as per their rites and customs, and out of the said wedlock, the non-applicant No.2 born. As per the allegation of non-applicant No.1, the applicant was addicted to bad vices like drinking liquor and used to raise the quarrel with her by making false allegations and calling her as of unsound mind and was suspecting her character and also insulting and

(3)

threatening her. Despite the said torture, she was performing all her duties regularly, but the applicant and his family members were ill-treating her. As per her allegations, on 05.11.2012 the applicant raised quarrel with her on trifle issue and asked her to leave the house and not to come back. He has also called her parents and on arrival of her parents, he asked them to take her on their place for two days. Therefore, she returned to her parent's house. Thereafter on 08.06.2013, she along with her brother and other family members visited to her matrimonial house, but her father-in-law raised quarrel with her and drove them out of the house. She was also assaulted by pulling her hair and therefore, she lodged the report.

6. The present applicant falsely assured that he would take her back thereafter, he filed the petition for dissolution of marriage and she filed the petition for restitution of conjugal rights. Despite the decree of restitution of conjugal rights was passed, she was not allowed to stay in the matrimonial house and therefore, she has no alternative but to take shelter at her parent's house, and therefore, she prefers an application for grant of maintenance.

7. It is further contended by the non-applicant No.1 that the applicant is serving as a Loco Pilot in Central Railway and getting salary of more than Rs.50,000/- per month. No other person is

(4)

dependent on him. He has not made any provision for the maintenance of non-applicants.

8. The said application was resisted by the present applicant and denied all the contentions. As per his contention, after passing of the decree of restitution of conjugal rights, the non-applicant No.1 was directed to join him directly from the Court, but she failed to join his company and therefore, she is not entitled for maintenance. It is alleged by him that on 14.01.2017, the non-applicant No.1 has visited to his parent's house, manhandled his father and therefore, his father had initiated a criminal complaint against her. He contended that the non-applicant No.1 filed a petition for restitution of conjugal rights just to counterblast to his petition for dissolution of marriage. In fact, she was never interested in cohabiting with him.

9. It has been further contended by him that the non-applicant No.1 is educated lady, who completed her M.A. and B.A., whereas he is only 12<sup>th</sup> passed. She used to taunt him as he is less educated than her. Non-applicant No.1 is also suffering from epilepsy since before the marriage, but the said fact was suppressed from him as well as from his family members. She has attempted to commit suicide. As per the applicant, as non-applicant No.1 failed to comply with the decree

(5)

of restitution of conjugal rights, she is not entitled for maintenance. He has specifically come with a case that she is a well qualified doing work at her parent's house and earning, and therefore, on that ground also she is not entitled for maintenance.

10. In support of the contentions, applicant as well as the non-applicant No.1 adduced their evidence. The said evidence is appreciated by the learned Family Court and the learned Family Court comes to the conclusion that there is a refusal and neglect on the part of the present applicant, and therefore, the non-applicant Nos.1 and 2 are entitled for grant of maintenance. The learned Family Court has also considered that the applicant is having salary of Rs.85,000/- in the year 2022-2023. Thus, considering the average income of the present applicant, maintenance was granted separately for the separate period as aforestated.

11. Being aggrieved and dissatisfied with the same, the present application is preferred on the ground that after the birth of the daughter i.e. non-applicant No.2 the entire behaviour of non-applicant No.1 was inhuman towards his old aged parents. His parents were harassed and tortured by the non-applicant No.1 without any reason by using abusive language. It was the non-applicant No.1 who has left the matrimonial house and

(6)

thereby she is not entitled for any maintenance. However, the learned Family Court has not considered the said fact and wrongly considered the income of the present applicant and allowed the application.

12. Heard learned counsel for the applicant, who submitted that it was the non-applicant No.1, who has not resumed the cohabitation after passing of the decree of restitution of conjugal rights. It was the non-applicant No.1, who has left the matrimonial home without any reason therefore, there is no refusal and neglect on the part of the present applicant, on that ground also she is not entitled for maintenance. It is further submitted that the non-applicant No.1 is well educated lady. She is able-bodied person and earns for her livelihood therefore, on that ground also she is not entitled for any maintenance.

13. On the contrary, learned counsel for the non-applicants supported the judgment of the Family Court and submitted that the learned Family Court has considered that there was a refusal and neglect on the part of the present applicant. He has not made any provision for the maintenance. As far as the education of the non-applicant No.1 is concerned, there is no dispute about the same, but admittedly, she is not having any job. As there is no evidence to show that she is earning any amount for her livelihood, and therefore, it was the applicant, who is under the

(7)

obligation to grant maintenance to the present non-applicants. In view of that, the revision application being devoid of merits and liable to be dismissed.

14. After hearing both sides and on perusal of the entire record. It reveals that the non-applicant No.1 entered into the witness box vide Exh.19 in support of her contention. She has deposed as per her petition that her marriage was performed with the present applicant on 08.02.2011 and thereafter she was harassed by the present applicant on various reasons as he was addicted to bad vices. It is alleged by her that he used to suspect her character, insult her and specifically stated that she was the choice of the mother and he has no love and affection for her. He has also threatened her that he would create scene in front of her parent's house, so that her younger sister remained unmarried for life time. She has specifically narrated the incident as to the raising of the quarrels and driving her out of the house. Her cross-examination shows that at the time of marriage, the father of the present applicant was 74 years, but she is not aware whether he is operated for Cancer. She admitted that her father was serving him Government Department, whereas her father-in-law was labourer. It further came in her cross-examination that she filed petition for restitution of conjugal rights, whereas the applicant has filed petition for dissolution of marriage prior to her petition. The

(8)

common evidence was recorded in both the petitions and both the cases were decided by the common judgment. Her evidence further shows that when she went at the house of the present applicant to join the company, she was accompanied by her uncle. Thus, after going through the entire cross-examination, nothing came on record to show that it was the present non-applicant No.1 who left the house, nothing elicited from the cross-examination to shatter her evidence. She has admitted that she educated up to post graduation. She has also filed a petition for restitution of conjugal rights, which was decided in her favour.

15. To counter the contention raised by the non-applicant No.1, applicant also entered into the witness box and deposed as per his written statement. The sum and substance of his evidence is that after marriage, it was the non-applicant No.1 whose behaviour was not good. She used to insult him, as he is less educated than her and it was she who has left the matrimonial house. It is further alleged that she is the patient of epilepsy, but said fact is suppressed by her at the time of marriage. It is further deposed by him that the non-applicant No.1 has no interest to join the company of the applicant and only to frustrate the petition filed by him for dissolution of marriage and to extract the huge amount of maintenance from the applicant – husband, the petition for restitution of conjugal



(9)

rights came to be filed. His cross-examination shows that his father died in the month May 2021. At the time of death of his father, he was residing along with his mother and one caretaker. The petition which is filed him for the decree of dissolution of marriage is already dismissed by the learned Family Court, whereas the petition for restitution of conjugal rights by the non-applicant No.1 is allowed. He has challenged the dismissal of the divorce petition and the decree of restitution of conjugal rights before this Court. The evidence further shows that he has not given anything written before the Court to show his readiness to take the non-applicant No.1 along with him. He has also not issued any notice to the non-applicant No.1 as she refused to come along with him. As far as his income is concerned, there is no counter to the contention raised by the non-applicant No.1 as to the income. The affidavit of assets and liabilities filed by the present applicant shows that he was serving as a Loco Pilot and drawing gross salary of Rs.99,060/- including allowances. Total deduction from his gross pay is pay Rs.98,618/- after including the Court attachment of Rs.20,000/-. As per his affidavit of assets and liabilities, his take home salary after all deductions is only Rs.442/-. On the basis of the said evidence, the applicant claimed that he has no source of income to give the maintenance to the present non-applicants, whereas the affidavit of assets and liabilities of the non-applicant No.1

Leelavati @ Reena shows that she is getting maintenance of Rs.1500/- per month in Petition No.A-697/2013 vide decree dated 02.12.2016. Petition No.E-477/2017 filed by non-applicant No.1 and her daughter for maintenance under Section 125 of Cr.P.C. She has also filed the execution petition. As far as her income is concerned, she has submitted that except the maintenance amount, she has no source of income.

16. After hearing both sides and on perusal of the entire evidence on record, there is no dispute as to the matrimonial relationship between the present applicant and the non-applicant No.1. Applicant as well as the non-applicant No.1 both have made an allegation against each other as to the refusal and neglect. As per the evidence of the non-applicant No.1, it was she, who was neglected by the present applicant, whereas as per the evidence of the non-applicant No.1, she was neglected as she was not allowed to join his company by the applicant. She has made an attempt, but as she was not allowed to join the company therefore, she filed a complaint with the police on 08.06.2013. Copy of the same is at Exh.85. The letter Exh.39 by the present non-applicant No.1 to her husband also shows that there was dispute between the husband and wife and therefore, she constrained to leave the matrimonial house. As already observed that the evidence of the wife shows that her parents were called by the present applicant and asked to take

(11)

her for two days as some dispute arose between them, but subsequently when she attended to join the company of the present applicant, she was not allowed to come and therefore, she filed the petition for restitution of conjugal rights. Prior to her petition, the applicant has filed an application for decree of dissolution of marriage. Inadvertently, the present applicant has not issued any notice to the non-applicants before filing the petition for seeking decree of dissolution of marriage. Thus, filing of the petition for decree of dissolution of marriage itself is sufficient to show that the present applicant was not willing to cohabit with the non-applicant No.1.

17. Section 125 of Code of Criminal Procedure upholds the right of the wife to maintenance under Section 125 of the Code of Criminal Procedure. Mere passing of the decree for restitution of conjugal rights and non-compliance therewith by the husband would be sufficient to attract that there was a refusal and neglect on the part of the present applicant. Admittedly, it would always depend upon the fact of each case. The evidence which is available on record shows that after the birth of the child as per the allegation, the applicant started raising the suspicion about the character of non-applicant No.1. She has specifically stated that on 05.11.2012 he raised the quarrel with her on trivial issues. As his clothes were not kept ironed in the cupboard properly and asked her to leave matrimonial house and not to

(12)

return again. The evidence further shows that her parents were called and they were told to take her with them for two days to calm the atmosphere in the house, but thereafter she was not allowed to enter into the house.

18. The expression used in Section 125(4) Cr.P.C. is 'refusal'. There is evidently some difference between "failure" to live with the husband and "refusal" to live with the husband. "Failure" means, "not doing something that one is expected to do. A wife is expected to live with the husband and if she does not so. It is necessary to ascertain whether there is a reasonable cause for her not to reside with the husband. The question would be whether non-compliance with a decree for restitution of conjugal rights by wife would be sufficient in itself to deny her maintenance, in view of Section 125(4) of the Code of Criminal Procedure. When the Court is dealing with the maintenance claim under Section 125 of the Code of Criminal Procedure, requires a careful examination and taken into consideration, the decree for registration of conjugal rights which has not been complied by the husband. Admittedly, the mere passing of the decree for restitution of conjugal rights and non-compliance of the same at the instance of the wife would not, by itself, be sufficient to attract the disqualification under Section 125(4) of the Code of Criminal Procedure. It would depend on the facts of the individual case and it would have to be decided, on the

(13)

strength of the material and evidence available. It has to be seen whether the wife still had valid and sufficient reason to refuse to live with her husband, despite such a decree. There can be no hard and fast Rule in this regard and it must invariably depend on the distinctive facts and circumstances of each particular case. In any event, a decree for restitution of conjugal rights secured by a husband coupled with non-compliance therewith by the wife would not be determinative factor to deny her right to maintenance or disqualification under Section 125(4) of the Code of Criminal Procedure. A reading of Section 125 of the Code shows that the only provision in the Code which enables or empowers the court to pass an order for maintenance in favour of wife under sub-section (1) of Section 125 of the Code. The plain language of sub-Section (1) of Section 125 of the Code describes three factors which are established for passing an order against the husband to pay maintenance allowance in favour of the wife. (1) that the "wife" is unable to maintain herself (2) that her husband is having sufficient means, and (3) that such husband neglected or refused to maintain the wife. Section 125 does not envisage establishment of any other factor that the above-said three factors, to pass order maintenance allowance in favour of the wife, under sub-Section (1) of Section 125.

(14)

19. The Hon'ble Apex Court while considering the scope of Section 125 of the Code in **Begum Subanu vs A.M. Abdul Gafoor, MANU/SC/0910/1987** held that "The three essential requisites to be satisfied before an order of maintenance can be passed are that (1) the person liable to provide maintenance has sufficient means; (2) that he has neglected or refused to maintain and (3) the dependent/dependents is/are unable to maintain himself/herself/themselves as the case may be."

20. Admittedly, Section 125 was enacted in order to provide a quick and summary remedy to a class of persons who are unable to maintain themselves. Neglect by a person of sufficient means to maintain these and the inability of those persons to maintain themselves are the objective criteria which determine the applicability of Section 125. There is nothing in Section 125 of the Code to show that if the husband obtains an order for restitution of conjugal rights against the wife, the court can reject the claim of the wife for maintenance on that, sole ground.

21. Here in the present case admittedly, there are no efforts by the present applicant for reunion, but he has directly filed an application for dissolution of marriage. As far as refusal and neglect is concerned, refusal means 'an act of saying or showing that you will not do or accept something which is offer'. "Offer" means "to say that one is willing to do something for somebody.

(15)

Therefore, if husband says that he is willing to do something for her i.e., wife is "offered" something but she states or shows that she does not want or accept that something, which is offered to her, then only, there is a "refusal."

22. In the light of the above proposition, admittedly there is no evidence on record to show that the applicant has offered her to do something for her, but she has refused to say. On the contrary, it shows that it was the wife i.e. the non-applicant No.1, who made an attempt to join the company of the present applicant, but he has not accepted her. It further shows that the applicant has also not made any provision for the livelihood of non-applicant Nos.1 and 2. Thus, 'refusal' pre-supposes an offer whereas, in case of 'failure', they may not be any offer. What is relevant under Section 125(4), is a 'refusal to live' with the husband and not mere 'failure to live' with him. A mere 'request' made by the husband to the wife or an invitation to her to come and stay with her, in the absence of any willingness on the part of husband to do something, does not involve an offer or a 'refusal'. A 'refusal' by the wife arises when there is a willingness on the part of the husband to do something for the wife and he offers to do it for her yet, she does not accept such offer. Thus, after going through evidence, it is apparent that it was the non-applicant No.1, who filed the petition for restitution of conjugal rights. After decree was passed it was she who made an attempt

(16)

joint the company of the present applicant, but present applicant has refused to join his company. Thus, it is apparent that it is the present applicant, who has not accepted her and that is the reason for her to live separately. It is true that mere living separately from the husband without sufficient cause or reason which is relevant under Section 125(4) of the Code. So, the evidence on record show that there was an offer by the wife, but it was the husband who refused to live with her and therefore, I have no hesitation to hold that the non-applicant No.1 wife has established that there was refusal and neglect on the part of the husband to maintain her and thereby she is entitled for maintenance.

23. Learned counsel for the applicant vehemently submitted that the non-applicant No.1 wife is studied up to post-graduation and she is able-bodied person and therefore, she is not entitled for any maintenance. It is admitted by her that she is studied up to post graduation. Admittedly, it is not the case of present applicant that she is serving any where or earning something. The judicial note can be taken that in the present era, there is unemployment. Even the person who obtained the higher decree, specialization, they are also unable to get the jobs. Therefore, merely because she is educated lady is not sufficient to held that she is able-bodied person and able to maintain herself as she has completed her post-graduation. The object of



(17)

the maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy by compelling those who can provide support to those who are unable to support themselves. The phrase "unable to maintain herself" would mean that means available to the deserted wife while she was living with her and would not take within itself the efforts made by the wife after desertion to survive somehow. Section 125 CrPC is a measure of social justice and is specially enacted to protect women and children and constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution of India. It is meant to achieve a social purpose. The object is to prevent vagrancy and destitution. It provides a speedy remedy for the supply of food, clothing and shelter to the deserted wife. It gives effect to fundamental rights and natural duties of a man to maintain his wife, children and parents when they are unable to maintain themselves.

24. Under the provision of Section 125, the burden is placed on the wife to show that the means of her husband are sufficient. In the instant case, there is no dispute that the present applicant has a requisite means, at the same time, the evidence also shows that though the non-applicant No.1 is educated but she has no job, and therefore, she is unable to maintain herself.

(18)

25. Admittedly, there is no evidence on record to show that the non-applicant No.1 has any means to maintain herself as well as to maintain her daughter. Even accepting that she is educated lady, but that aspect would not be sufficient to deprive her from getting a maintenance amount. Now it is well settled that while considering the application for grant of maintenance, the status of the parties is a significant factor, encompassing their social standing, lifestyle, and financial background. The reasonable needs of the wife and dependent children must be assessed, including costs for food, clothing, shelter, education, and medical expenses. The applicant's educational and professional qualifications, as well as his employment play a crucial role in evaluating his potential for self-sufficiency. If the applicant has independent source of income this would also be taken into account to determine the quantum of maintenance.

26. Admittedly, there cannot be a fixed formula or a straitjacket rule for fixing the amount of permanent alimony and only broad principles can be laid down. The question of maintenance is subjective to each case depends on various factors and circumstances. In the case of **Rajnesh Vs. Neha and another** reported in **(2021) 2 SCC 324**, wherein the Apex Court has elaborated the broad criteria and the factors to be considered for determining the quantum of maintenance. The Hon'ble Apex Court emphasizes that there is no fixed formula for

(19)

calculating maintenance amount, instead it would be based on a balanced consideration of various factors. Those factors are to be considered:

- i. Status of the parties, social and financial.
- ii. Reasonable needs of the wife and dependent children.
- iii. Qualifications and employment status of the parties.
- iv. Independent income or assets owned by the parties.
- v. Maintain standard of living as in the matrimonial home.
- vi. Any employment sacrifices made for family responsibilities.
- vii. Reasonable litigation costs for a non-working wife.
- viii. Financial capacity of husband, his income, maintenance obligations, and liabilities.

27. In the light of the above factors narrated by the Hon'ble Apex Court if the facts of the present case are taken into consideration, admittedly, the learned Family Court has granted maintenance at the rate of Rs.10,000/- per month to the non-applicant No.1 and Rs.5,000/- per month for non-applicant No.2 from the date of filing of application i.e. from 09.10.2017 till December 2020, and thereafter since January 2021 at the rate of Rs.12,000/- per month to the non-applicant No.1 and Rs.7,000/- per month for daughter i.e. non-applicant No.2 till December 2023 and thereafter Rs.15,000/- per month for the

non-applicant No.1 and Rs. 10,000/- per month for daughter i.e. non-applicant No.2. Thus, Rs.25,000/- per month.

28 Admittedly, on perusal of the judgment, the learned Family Court has not considered the maintenance amount granted to her in a Petition No.A-562/2013 which was filed by the present applicant for obtaining the decree of dissolution of marriage. While granting the decree of restitution of conjugal rights the applicant was directed by the Principal Judge, Family Court, Nagpur to grant maintenance at the rate of Rs.10,000/- to the non-applicant No.1 and Rs.5,000/- to the non-applicant No.2. The Hon'ble Apex Court issued some guidelines regarding determining a quantum of maintenance it is specifically held that the factors which would weigh with the Court *inter alia* are the status of the parties, reasonable needs of the wife and dependant children, whether the applicant is educated and professionally qualified, whether the applicant has any independent source of income, whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home, whether the applicant was employed prior to her marriage, whether she was working during the subsistence of the marriage, whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the

(21)

family, reasonable costs of litigation for a non-working wife. The living expenses of the child would include expenses for food, clothing, residence, medical expenses, education of children. Extra coaching classes or any other vocational training courses to complement the basic education must be factored in, while awarding child support. It should be a reasonable amount to be awarded for extra-curricular/coaching classes, and not an overly extravagant amount which may be claimed. It is further held that to overcome the issue of overlapping jurisdiction, and avoid conflicting orders being passed in different proceedings, it has become necessary to issue directions in that regard, so that there is uniformity in the practice followed by the Family Courts/ District Courts/Magistrate Courts throughout the country and it was directed that:

- (i) where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff, of the amount awarded in the previous proceeding/s, while determining whether any further amount was to be awarded in the subsequent proceeding;
- (ii) it is made mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding;
- (iii) if the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.
- (iv) The Affidavit of Disclosure of Assets and Liabilities annexed of this judgment, as may be applicable, shall be filed by both parties in all maintenance proceedings,

(22)

including pending proceedings before the concerned Family Court/District Court/Magistrates Court, as the case may be.

(v) For determining the quantum of maintenance payable to an applicant, the Court shall take into account the criteria enumerated in Part B - III of the judgment.

(vi) The maintenance in all cases will be awarded from the date of filing the application for maintenance.

29. In the light of the above said guidelines, admittedly, the learned Family Court has not taken into consideration the maintenance amount granted to the non-applicants while granting the amount of maintenance. The judgment and decree passed by the Principal Judge, Family Court, Nagpur dated 02.12.2016 shows that before granting maintenance in the present application i.e. Petition No.E-477/2017 the amount of maintenance was granted to the extent of Rs.15,000/-. The assets and liabilities filed on record by the present applicant shows that there are deductions from his salary. He has drawn the salary of Rs.42,000/- in September 2013, on the date of passing of the judgment of Rs.52,000/- per month. Admittedly, his both parents were dependent upon him at the relevant time, but now his father is not alive, however his mother's responsibility is on him. The income tax returns filed on record shows that in the assessment year of 2017-18 his average monthly income was Rs.60,000/- which was increased in the

(23)

year 2021-22 up to Rs.70,000/- and in the year 2022-23 it was Rs.85,000/-.

30. Considering his income Rs.85,000/- in the year 2022-23 there are compulsory deductions from his salary. Moreover, he was having responsibility of his mother and therefore, in view of the judgment of **Rajnish Vs. Neha and another** (referred supra) by adjusting the earlier amount of maintenance granted in petition No.A-697/2013 it would be appropriate to direct the present applicant to grant maintenance at the rate of Rs.12,000/- per month for the non-applicant No.1 and Rs.7,000/- to the non-applicant No.2 for the subsequent period after December 2023, in addition to the amount of maintenance granted in Petition No.A-697/2013. In view of that, the present revision application deserves to be allowed partly and order of maintenance is modified as under:

(i) The Criminal Revision Application is **allowed partly**.

(ii) The present applicant shall pay maintenance of Rs.10,000/- [Rs. Ten Thousand] per month to the non-applicant No.1 and Rs.5,000/- [Rs. Five Thousand] per month for non-applicant No.2 from the date 09.10.2017 till December 2020, thereafter at the rate of Rs.12,000/- [Rs. Twelve Thousand] per month for the non-applicant No.1 and Rs.7,000/- [Rs. Seven Thousand] to the non-applicant No.2 from January 2021, in addition to the amount, which is earlier granted in Petition No.A-697/2013.

(24)

(iii) The applicant further shall pay the cost of litigation of Rs.10,000/- [Rs. Ten Thousand] as directed by the learned Family Court and Rs.10,000/- [Rs. Ten Thousand] towards cost of litigation of the present revision application.

With this the revision application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**