

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.20 OF 2015

Gazi Abdul Karim s/o Gazi Hasan Miyan,
Age 72 years, Occu. Retired Teacher,
R/o Mangal Peth, Near Siddharth Nagar,
in front of Golden Kirana, Ambajogai,
Taluka Ambajogai, District Beed

..Petitioner
(Orig.Respondent)

Versus

Sk. Rafiya w/o Gazi Abdul Karim,
Age 43 years, Occu. Household,
R/o C/o Aminabegum, Near Ganesh
Colony, Alamgir Colony, Aurangabad

..Respondent
(Orig. Petitioner)

Mr Uday D. Dalvi, Advocate h/f Mr Shaikh Mujtaba Gulam Mustafa,
Advocate for petitioner
Mr V.M. Kagne, Advocate for respondent

- WITH -

CRIMINAL REVISION APPLICATION NO.55 OF 2015

Sk. Rafiya w/o Gazi Abdul Karim,
Age 42 years, Occu. Household,
R/o C/o Aminabegum, Near Ganesh
Colony, Alamgir Colony, Aurangabad

..Petitioner
(Orig.Petitioner)

Versus

Gazi Abdul Karim s/o Gazi Hasan Miyan,
Age 70 years, Occu. Retired Head Master
and Business, R/o Mangal Peth, Near
Siddharth Nagar, in front of Golden
Kirana, Ambajogai, Taluka Ambajogai,
District Beed

..Respondent
(Orig.Respondent)

Mr V.M. Kagne, Advocate for petitioner
Mr Uday D. Dalvi, Advocate h/f Mr Shaikh Mujtaba Gulam Mustafa,
Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 19th August 2015

PER COURT

1. Both these applications can be disposed of by a common order.
2. The Principal Judge, Family Court, Aurangabad, on 3rd January 2015 has ordered payment of maintenance of Rs.4,000/- per month to the wife by the husband, who is a retired Headmaster.
3. Upon perusal of the impugned order, it reflects that in paragraph 9, the learned Judge has considered the income received by the husband, which according to him is around Rs.12,659/- in the form of pension. What was expected of the learned Judge was to record finding as regards the monthly income of the husband and then to order payment of maintenance.
4. In view of above, the parties hereto have given consent for remand.
5. As such, the judgment and order dated 3rd January 2015 passed by the Principal Judge, Family Court, Aurangabad in Cri.Misc. Application No.76 of 2012, is hereby set aside. Criminal Miscellaneous Application No.76 of 2012 stands restored to the file of learned Principal Judge, Family Court, Aurangabad and matter is remanded to learned Principal Judge, Family Court, Aurangabad, who is directed to record finding as regards monthly income of the husband and then proceed to pass award of maintenance.
6. In addition to above, if any other issues are canvassed, the same be considered by the learned Principal Judge.

7. Since the Counsel agree that they shall co-operate the learned Principal Judge in deciding the proceedings expeditiously, the hearing of the proceedings is expedited. It is expected of the Principal Judge, Family Court, Aurangabad to decide the proceedings within a period of three months from the date of appearance of the parties.

7. Both the Cri. Revision Applications stand disposed of in above terms.

(N.W. SAMBRE, J.)

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