

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

CRIMINAL REVISION APPLICATION NO.125 OF 2014

1. Sahadeo Pandhari Ghobale,
Age 39 years, Occu. Business
2. Mankabai Pandhari Ghobale,
Age 66 years, Occu. Household

Both R/o Grain Market,
Ganj Golai, Division Latur,
District Latur

..Applicants

Versus

1. Ashabai Dashrath Ghobale,
Age 36 years, Occu. Household,
2. Smt.Parwatibai Yadhav Ghobale,
Age 46 years, Occu. Household,

Both R/o Grain Market, Latur

3. Dashrath Pandhari Ghobale,
Age 41 years, Occu. Business,
R/o Grain Market, Ganj Golai,
Division Latur, District Latur

..Respondents

Mr Dahiphale, Advocate h/f Mr N.P. Patil – Jamalpurkar, Advocate for applicants

Ms Jayshree Reddy, Advocate h/f Mr M.P. Gude, Advocate for respondents
1 to 3

CORAM : N.W. SAMBRE, J.

DATE : 10th September 2015

PER COURT

Heard learned Counsel for the applicant.

2. Present applicants are the opponents/non-applicants No.2 and 4 in Criminal Misc. Application No.366 of 2009, preferred by the wife of original respondent No.1 and wife of brother of original respondents No.1 and 2, respectively sought to invoke the provisions of Sections 12, 18, 19, 20 and 22 of the Protection of Women's from Domestic Violence Act, 2005. The said application came to be granted by learned 4th Judicial

Magistrate, First Class at Latur vide order dated 28th March 2011 awarding maintenance of Rs.500/- and Rs.300/- to the original applicants No.1 and 2, respectively with costs which, upon an appeal under Section 29 of the said Act at the behest of original applicants - respondents No.1 and 2 herein came to be modified thereby directing the respondent No.3 herein to pay maintenance at the rate of Rs.1,000/- per month to the appellant - respondent No.1 herein and also provide accommodation to the respondent No.1 herein in the house at City Survey No.2978, Grain Market, Latur vide order dated 26th February 2014.

3. Mr Dahiphale holding for Mr N.P. Patil - Jamalpurkar, learned Counsel for applicants has restricted the present proceedings to the extent of providing the accommodation in the House at City Survey No.2978, Grain Market, Latur. According to him, the property is a joint family property and present respondent No.1 cannot claim any right over the said property.

4. Having perused the findings recorded by the appellate Court, it is required to be noted that the lower appellate Court has taken into account pleadings and evidence that was brought on record while passing the order of providing accommodation.

5. No case for failure to exercise the jurisdiction by learned lower appellate Court is noticed in this Revision under Section 397 of Cr.P.C.

6. As such, revision fails, stands dismissed.