

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

CRIMINAL WRIT PETITION NO. 926 OF 2015

Bhimrao S/o Tulshiram Yengade,
R/o Ardhapur, Tq. Ardhapur,
Dist. Nanded,
At present Ahmednagar,
Tq. & Dist. Ahmednagar

...Petitioner

versus

1) Shalini W/o Bhimrao Yengade,
R/o Wadi Bk., Tq. & Dist. Nanded,
At present Jai Bhim Nagar, Nanded
Tq. & Dist. Nanded

2) The State of Maharashtra

...Respondents

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Mr. N. B. Narwade, Advocate h/f Mr. N. B. Patekar, Advocate for petitioner
Mr. Mohit R. Deshmukh, Advocate for respondent No. 1
Mr. S. R. Palnitkar, A. P. P. for respondent/State.

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CORAM : N.W. SAMBRE, J.

DATE : 26th AUGUST, 2015

ORAL ORDER :

. According to the learned Counsel for the petitioner, the order passed below Exh. 14 in Petition No. E-8/2015 by Judge, Family Court, Nanded on 18/06/2015, is without hearing the present petitioner.

2. According to the petitioner, the order dated 05/02/2015 passed in between the same parties in Kaccha Register No. 51/2015, was ignored.

3. While countering the above referred submissions, learned Counsel for respondent would urge that the order impugned herein is upon taking into consideration the present place of residence of the respondent.

4. The fact remains that, there are no considerations, at least there is no reflection to that effect in the impugned order as regards the order dated 05/02/2015 or otherwise.

5. In view thereof, it will be appropriate, in my opinion, to quash and set aside the order dated 18/06/2015 passed by Principal Judge, Family Court, Nanded, below Exh. 14, in Petition No. E-8/2015 and application Exh. 14 stood restored to the file of learned Principal Judge, Family Court, Nanded. The Family Court, Nanded shall decide the proceeding upon giving fresh hearing to the parties to the application.

6. Learned Counsel for the petitioner undertakes that the

petitioner shall not seek further adjournment in the matter.

7. Writ Petition stands allowed in above terms, with no order as to costs.

[N.W. SAMBRE, J.]

Tupe/26.08.15