

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

CRIMINAL REVISION APPLICATION NO. 260 OF 2014

Sanjay S/o Deorao Jadhav

Age : 34 Yrs., Occ. Labour,

R/o : Savitribai Vastigruha,

Plot No. 45, H.No.D-9-285,

Samtanagar, Aurangabad.

.... APPLICANT

V E R S U S

1. Vandana w/o Sanjay Jadhav

Age : 30 Yrs., Occ. Business,

R/o : Duplex No. 95,

Pratharna-2, Sara Sidhi,

Opp. Aditya Hotel,

Beed Bye-pass Road,

Aurangabad.

2. Shruti D/o Sanjay Jadhav

Age : Minor, through

R.No. 1 – Legal guardian.

.... RESPONDENTS

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Mr. S.U.Chaudhari, Advocate for Applicant.

Mr. N.T.Tribhuwan, Advocate for R.Nos. 1 & 2.

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CORAM : V.M.DESHPANDE, J.

DATE OF JUDGMENT : 27th JULY, 2015

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ORAL JUDGMENT :

1. Rule. Rule is made returnable forthwith. Heard finally by the consent of the learned counsel for the parties.

2. Heard Mr. S.U.Chaudhari, learned counsel for the applicant and Mr. N.T.Tribhuwan, learned counsel for Respondent Nos. 1 and 2.

3. Present Criminal Revision application arise out of the Judgment of the learned Judge of the Family Court, Aurangabad dated 25/06/2013 in Petition No. E-81/2010, whereby the learned Judge has partly allowed the application filed on behalf of respondent Nos. 1 and 2 u/s 125 of the Code of Criminal Application and directed that the present petitioner shall pay ₹ 2,500/- per month to respondent No. 1 and ₹ 1,500/- per month to respondent No. 2 by way of monthly maintenance from 31/03/2010.

4. There is no dispute that the Judgment is passed, at that time, petitioner in the final stage of the proceedings remained absent. Court does not wish to go into the merit and dis-merit of the controversy in view of the fact that the learned counsel for respondent Nos. 1 and 2 agreed for the remand of the matter provided the petitioner should deposit ₹ 50,000/-.

5. Litigant must get opportunity to defend his/her case before the court. In that view of the matter, Judgment passed by the learned Judge, Family Court, Aurangabad dated 25/06/2013 in Petition No. E-81/2010 is set aside. Petition No. E-81/2010 is remanded back to the Judge of the Family Court, Aurangabad. Learned Judge should give opportunity to the present petitioner to defend his case, subject to the condition that the petitioner deposits ₹ 50,000/- before the Family Court, Aurangabad within a period of four weeks from today. Deposit of ₹ 50,000/- shall be the condition precedent. On such deposit, respondent Nos. 1 and 2 shall be entitled to withdraw the said amount.

6. Learned Judge of the Family Court, Aurangabad shall decide Petition No. E-81/2010 as expeditiously as possible and preferably within a period of three months from the deposit of ₹ 50,000/-.

7. With these observations, present Criminal Revision application stands disposed of.

[V.M.DESHPANDE, J.]