

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

917 CIVIL APPLICATION NO. 6454 OF 2006
IN SA/293/2005

VENKAT HANKARRAO JAGTAP
VERSUS
CHANDRAKALA VENKAT JAGTAP & ORS

Shri. S.S. Choudhari, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 14th JUNE 2016.

ORDER:

1) This application is filed for condonation of delay caused in filing review application. In view of the submissions made and the contentions made the application is allowed. Delay is condoned.

2) Heard learned counsel for the applicant on review application. Seen the judgments delivered by the Courts below and the order made by this Court by which the appeal came to be dismissed by holding that no substantial question of law as such is involved in the matter.

3) Learned counsel for the applicant submitted that the wife had filed proceeding under section 125 of the Code of Criminal Procedure and she filed maintenance proceeding in Civil Court also and she could not have filed two proceedings for the same relief and this point was not considered by this Court. There is no force in this submission. The provisions made by the two different Acts are different in nature and the wife can file such two proceedings. Only thing is that the Criminal Court expected is to consider the order of maintenance made by the civil Court while fixing rate of maintenance in criminal proceeding. Thus in the present proceeding review of the order made by this Court is not possible. The review application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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