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

CRIMINAL REVISION APPLICATION (ST) NO. 20 OF 2016

Murlidhar s/o Dattataram Chauhan,
Age: 51 years, Occ: Agri.,
R/o. Mandvi, Tq. Kinwat,
Dist. Nanded.

..APPLICANT

VERSUS

1. Kavita w/o Murlidhar Chauhan,
Age: 46 years, Occ: Household,
R/o. HUDCO, Nanded.

2. Kum. Manashi d/o Murlidhar Chauhan,
Age: Minor, Occ: Education,
under guardianship of
respondent No.1 mother.

..RESPONDENTS

Mr A.P. Yenegure, Advocate h/f Mr. G.R. Jadhav,
Advocate for applicant;
Mr Avinash D. Hande, Advocate for respondent Nos. 1
and 2

CORAM : N.W. SAMBRE, J.

DATE : 3rd OCTOBER, 2016

ORDER :

Learned Principal Judge, Family Court,
Nanded in Petition No. E-299 of 2014 delivered
judgment on 24th July, 2015 against the present
applicant directing him to pay maintenance of
Rs.3000/- per month to the respondent-wife and

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Rs.5000/- per month to respondent-daughter. The said order is questioned before this Court by the husband on the ground that the applicant was not given proper opportunity to defend his case, as he was not able to file his reply and evidence in his support. He would then urge that the income of the applicant as is taken into account for the purpose of ordering payment of maintenance in exercise of powers under Section 125 of the Code of Criminal Procedure is without any basis.

2. While opposing the application, learned Counsel for the respondents submits that the Family Court has dwelt upon the controversy, particularly in the back ground of income derived by the present applicant from his agricultural land, shops and other sources. He would then urge that the opportunity was offered to the applicant but he has failed to file his reply and additional evidence.

3. *Prima facie* after perusal of the proceedings and order impugned, it is required to

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be noted that the applicant was given sufficient opportunity, as he has filed his appearance before learned Court below, however, has not adduced any evidence or filed his reply. As a consequence of above, the pleadings as were raised by the present respondent-wife and daughter and evidence placed on record remained un-controverted.

4. In this back ground, in my opinion, the conclusion as is drawn by learned Family Court is proper and does not call for any interference in revisional jurisdiction.

5. Apart from above, it is to be noted that the applicant till date has not paid any maintenance to his wife and has entered into second marriage, which is not disputed fact. The criminal revision application, as such fails and stands rejected.

(N.W. SAMBRE, J.)

Tupe