

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 148 OF 2005

Mrs. Pushpabai Bhujangrao Yeole,  
Age 47 years, Occ. Household,  
R/o Tembhurni, Tq. Mahada,  
Dist. Solapur at present R/o at Patoda,  
Tq. Patoda, District Beed.

..Petitioner

Versus

Bhujangrao Govindrao Yeole,  
Age 55 years, Occ. Agriculture  
R/o Tembhurni, Tq. Mahada,  
Dist. Solapur.

..Respondent

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Advocate for Petitioner : Smt. S.N.Jadhav h/f Shri N.L.Jadhav  
Advocate for Respondent : Shri S.K.Naikwade  
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CORAM : RAVINDRA V. GHUGE, J.  
Dated: June 23, 2016  
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ORAL JUDGMENT :-

1. The petitioner is aggrieved by the impugned order dated 20.1.2005, by which the revisional Court allowed the revision petition filed by the respondent and set aside the judgment of the learned Magistrate dated 7.6.2003 by which maintenance of Rs.400/- per month was granted to the petitioner.

2. While admitting this petition, this Court refused interim relief.

3. I have heard Shri Jadhav and Shri Naikwade, learned Advocates for the petitioner and the respondent at length.

4. I find that the learned Magistrate had granted maintenance to the petitioner without considering the fact that the petitioner admittedly was the second wife of the respondent and could not prove that the respondent has divorced his first wife Dwarkabai. There is no reference to this aspect by the learned Magistrate.

5. It was in the revision petition that the learned revisional Court noted that the first wife Dwarkabai was issueless. The respondent, therefore, wanted to marry another woman. He ill-treated Dwarkabai since she did not give a consent to the second marriage and then he drove her out. Thereafter, he married the present petitioner - Pushpabai on 2.6.1978. The petitioner has not brought on record any evidence to indicate that Dwarkabai was legally divorced by the respondent or that the petitioner was made to believe that he had divorced her and on the basis of such impression, she had married him.

6. Considering that the petitioner could not prove a legal / valid marriage with the respondent that the revisional Court set aside the order of the learned Magistrate and declined maintenance to the petitioner.

7. Considering the fact situation as above, I do not find that the learned Additional Sessions Judge has committed any error in delivering the impugned judgment. This petition being devoid of merits is, therefore, dismissed.

8. Rule is discharged.

( RAVINDRA V. GHUGE, J. )

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