

(1)

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

CRIMINAL WRIT PETITION NO. 512 OF 2016

Anil Bhagwat Chaudhari,
Age: 44 years, Occu: Service,
R/o. 604/C, Flora Heights,
Amrutdham, Panchawati,
Nashik-3, Tq. & Dist. Nashik

..PETITIONER

VERSUS

Pushpabai Bhagwat Chaudhari,
Age: 56 years, Occu: Household,
R/o. Municipal Park, Savarkar, Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

..RESPONDENT

Mr A. I. Deshmukh, Advocate for petitioner;

CORAM : N.W. SAMBRE, J.

DATE : 18th April, 2016

ORAL ORDER :

The petitioner herein is a step son of respondent, as is claimed by her in application under Section 125 of the Code of Criminal Procedure before the learned Judicial Magistrate First Class, Bhusawal. In the said application, prayer for ad-interim maintenance was made, which came to be allowed by the learned Judicial Magistrate First Class, Bhusawal on 8th February, 2016, directing present petitioner to pay maintenance of Rs. 700/- p.m. to respondent.

(2)

2. Heard Mr Deshmukh, learned Counsel appearing on behalf of petitioner. He made following submissions :-

- (a) that, relationship of the present respondent with that of his father was disputed by the present petitioner, which issue was not gone into; and
- (b) that, the present respondent was already married to Mr Moreshwar Madhav Borole and without taking any divorce, she claimed to have married to the father of the petitioner, which is a incorrect statement of fact.

3. Having considered the above submissions in the light of material, as is placed before this Court, it is required to be noted that present petition is preferred against order of learned Magistrate, directing payment of maintenance of Rs. 700/- p.m. It is then required to be noted that from the reply of the petitioner, in which petitioner had admitted the fact, particularly statement that his father has expired on 10th April, 2015 and present respondent was used to reside with his father intermediately.

4. In my opinion, the learned Magistrate has considered every aspect of the matter while ordering the interim maintenance, particularly the statement of the petitioner.

(3)

5. In the above background, in my opinion, no case for interference is made out, writ petition fails and stands dismissed.

6. The above referred observations are prima facie and learned Magistrate is expected to decide the main application of the petitioner under Section 125 of the Code of Criminal Procedure, without being influenced by above observations recorded by this Court.

(N.W. SAMBRE, J.)

sjk