

(1)

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

CRIMINAL WRIT PETITION NO. 718 OF 2015

Smt. Suman Bhaskar Shelke ..PETITIONER

VERSUS

Bhaskar Nathuji Shelke & ors. ..RESPONDENTS

Mr D. G. Nagode, Advocate for petitioner;

CORAM : N.W. SAMBRE, J.

DATE : 3rd May, 2016

ORAL ORDER :

The petitioner filed an application under Section 12 of the Protection of Women from Domestic Violence Act, vide Criminal Application No. 380 of 2011, alleging that the respondent No. 1-husband be directed to provide accommodation to the petitioner by passing an order of protection.

2. The said application came to be allowed by an order dated 25th September, 2013, by the learned Judicial magistrate First Class, Court No. 9, Ahmednagar, directing that the present petitioner be accommodate in residential house No. 615 at Narayangavhan, Tq. Parner, District Ahmednagar, by the present respondent No. 1. In alternate, it is claimed that, if it is not possible to accommodate in said house the petitioner be paid Rs. 1,000/- for rental house from the date of decision of the said application.

(2)

3. The Criminal Appeal No. 146 of 2013, by the present respondent No. 1, filed under Section 29 of the Protection of Women from Domestic Violence Act, 2005, came to be allowed by an order dated 10th March, 2015, by the learned Additional Sessions Judge, Ahmednagar. As such, present petition.

4. The learned Counsel appearing on behalf of the petitioner would urge that though present petitioner is serving in Zilla Parishad, as a Teacher, her daughter is already got married and she cannot stay alone, being a lady and as such, the order of protection and providing of accommodation passed by the learned Magistrate, needs to be restored.

5. He would then urge that in all, three houses are available with the present respondent No. 1, of which any one could be given to the present petitioner for stay.

6. With the assistance, I have perused the entire proceedings and the order passed thereunder.

7. Admittedly, the petitioner is working as a teacher in Zilla Parishad and is getting house rent allowances. Apart from above, fact remains that the respondent No. 1-husband has got married for the second time and it is not possible for him to overcome his own liabilities.

(3)

8. Apart from above, fact remains that the marriage, as is claimed between the parties was almost more than 20 years back.

9. In this background, in my opinion, no case for interference in extraordinary jurisdiction is made out. Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

sjk