

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 846 OF 2015

1. Bhagyashree W/o Vinayak Sonar
Age : 23 years, Occ : Household
R/o. Kala Hanuman Thana, Beed
Tq. & Dist. Beed.
2. Ku. Vedika D/o Vinayak Sonar
Age : 2 years, Occ : Nil
Minor U/g. Petitioner No.1.

Petitioners

VERSUS

1. Vinayak S/o Balasaheb Sonar
Age : 28 years, Occ. Service as Police
Constable Buckle No.1042
R/o.Flat No.1, Krishna Apartment,
Shelgi Colony, Vidyanagar, Solapur,
Tq. & Dist. Solapur.
2. Smt. Shantabai W/o Balasaheb Sonar
Age : 51 years, Occ. Household &
Pensioner.
R/o. Flat No.1, Krishna Apartment,
Shelgi Colony, Vidyanagar, Solapur,
Tq. & Dist, Solapur.

Respondents

Mr .B. R. Sable, Advocate for the Petitioners.

Ms. Kshitija Sarangi, Advocate h/f Mr. H.V. Tungar, Advocate for
Respondent No.1&2.

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(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 13/06/2016

ORAL JUDGMENT :

1. Rule, Rule made returnable forthwith and heard finally by the consent of the parties.
2. I have heard the learned Advocates for the respective sides for quite some time.
3. By the impugned order, the learned Sessions Court has noted that the impugned order dated 25.02.2014, delivered by the learned Magistrate was, in fact, an ex-parte order considering the fact that no Say/Written Statement was filed by the respondents. Considering the same, the Revisional Court set aside the order of the Trial Court and remanded the matter to the Trial Court for being considered afresh and by permitting the respondents to file their say/written statement. Arrears of maintenance for an amount of Rs.10,000/- was directed to be paid to the petitioners and Rs.5,000/- per quarter (3 months) was directed to be paid till the matter concludes before the Trial Court.

4. The grievance of the petitioners is that the order of payment of maintenance allowance dated 25.02.2014 would not have been interfered with. In the alternative, it is submitted that the impugned order be modified to the extent of directing the respondents to pay Rs. 5,000/- per month to the petitioners and the Trial may be expedited.

5. Learned Advocate appearing on behalf of the respondents submits that the impugned order has already been implemented. Say/written statement has been filed by the respondents. Rs. 10,000/- as arrears have been deposited and the respondents who are directed to pay Rs. 5,000/- in each quarter before the Trial Court. It is further submitted that for the last 5 dates, the petitioners who are required to lead evidence, have sought an adjournment on the pretext that this petition is pending.

6. There is no dispute about the fact that say/written statement was not filed by the respondents before the Trial Court. The

impugned order dated 25.02.2014, passed by the learned Magistrate, is in the absence of say/written statement of the respondents.

7. I find that the Revisional Court has, in order to meet the ends of justice, permitted the respondents to file their say/written statement by adequately compensating the petitioners. Rs. 10,000/- towards arrears of maintenance and Rs. 5,000/- for each quarter has been granted till the decision in the trial.

8. In this backdrop, I do not find any reason to interfere with the impugned order or accede to the request of the petitioners that maintenance of Rs.5,000/- in each month be directed. Ends of justice would be met by expediting the trial.

9. In the light of the above, this petition is disposed of with a direction to the Trial Court to decide the Criminal Misc. Application No.548 of 2013, as expeditiously as possible, and preferably on or before 31.03.2017. Till then, the petitioners shall continue to pay the amount as is directed by the Revisional Court vide its order dated

13.04.2015.

10. Rule is discharged.

(RAVINDRA V. GHUGE, J.)