

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

CRIMINAL WRIT PETITION NO. 454 OF 2003

Parveen Bano d/o Mohammed Khan,
Age: 25 years, Occ: Household,
R/o. Shiwaji Nagar, In front of
Building of Tamiz Seth,
Bhusawal, Taluka Bhusawal,
Dist. Jalgaon.

...Petitioner

versus

Asifali Ayazali, aged 32 years,
Occ: Service, R/o. Master Colony,
opposite Marathi School, Mehrun,
Taluka District Jalgaon,
at present Nasheman Colony
Rickshaw Stop, Behind Bhaji Market,
Santoshi Mata road, Jalgaon.

...Respondent

.....
Ms. A.N. Ansari, Advocate for petitioner
Mr. M.G. Biradar, Advocate h/f Mr. Prashant Katneshwarkar,
Advocate for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 27th APRIL, 2016

ORAL ORDER :

The petitioner preferred Criminal Misc. Application No. 119 of 1997 before learned Judicial Magistrate, First Class, Bhusawal under Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986 praying therein *Meher* amount as was fixed at Rs.5051/- at the time of marriage and other articles, ornaments and presents be returned to her.

2. The said application came to be partly allowed by the judgment and order dated 06/08/1999, wherein it was ordered to pay *Meher* amount of Rs.5051/- to the petitioner and Rs.3000/- towards total maintenance allowance of *iddat* period.

3. The petitioner, feeling aggrieved by the above referred order, moved before learned Sessions Judge, Jalgaon vide Criminal Revision Application No. 347 of 1999 praying therein the order for return of *Dahej* articles and maintenance for *iddat* period. The said revision came to be dismissed on 14/07/2003.

4. Ms. Ansari, learned Counsel for the petitioner would urge that in view of the evidence as was brought on record, particularly list of articles, which was prepared by AW-2 Humayu Babumiya in the presence of witnesses, the Court should have ordered the return of the marriage articles. She would then submit that the evidence of present petitioner i.e. AW-1 and that of witness Humayu, AW-2 was wrongly discarded.

5. With the assistance, I have perused the evidence recorded by the Court below. It is required to be noted that the list of articles that was produced at Exhibit-26 was sought to be proved

through the evidence of witness Humayu, who was examined as AW-2. Perusal of list Exhibit-26 depicts that there was no counter signature of anybody from the side of opponent, as such, the said list was disbelieved.

6. It is required to be noted that once the said document Exhibit-26 was not established, the Court below was right in ordering payment of *Meher* amount of Rs.5051/- and total maintenance of Rs.3000/- during *iddat* period.

7. In view of above observations, no material irregularity could be noticed. As such, criminal writ petition fails and stands dismissed.

[N.W. SAMBRE, J.]