

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 283 OF 2014

SAJED KHAN S/O JABBAR KHAN
VERSUS
ASFIA EX-W/O SAJED KHAN & OTHERS

.....
Advocate for Applicant : Mr. Khan M. B. W.
Advocate for Respondent Nos. 1 to 3 : Mr. Zia Ul Mustafa
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CORAM : V. K. JADHAV, J.

DATED : 11th JANUARY, 2016

P.C. :-

1. The respondents herein had filed a petition for grant of maintenance amount under Section 125 of Code of Criminal Procedure, bearing No. E-50 of 2011. The learned Principal Judge, Family Court, Aurangabad, by judgment and order dated 10.07.2014, partly allowed the petition and thereby directed the present petitioner/original respondent to pay a maintenance of Rs.20,000/- p.m. to the present respondent No.1 wife, and Rs.5,000/- p.m. each to present respondent Nos. 2 and 3 daughters from the date of petition i.e. from 16.03.2011. Learned Principal Judge, Family Court, Aurangabad, further directed the present petitioner to pay Rs.5,000/- towards the costs of the said petition.

2. According to the present petitioner, the said order dated 10.07.2014 is an ex-parte order. Consequently, the present petitioner, after receiving knowledge about said ex-parte order, filed Cr.Misc. Application No. 53 of 2014 for setting aside the same. The present petitioner has also filed an

application Exh.7 for staying recovery proceedings pursuant to the said order till disposal of Cr. Misc. Application No. 53 of 2014. The learned Principal Judge, Family Court, Aurangabad, by the impugned order dated 15.12.2014 passed below Exh.7, directed the present petitioner to pay Rs.5,000/- p.m. each as maintenance to the present respondent Nos. 2 and 3 (original petitioner Nos. 2 and 3-daughters) and further directed to deposit entire arrears of maintenance of his daughters within one month and thereafter continue to pay them maintenance amount of Rs.5,000/- p.m. each as interim maintenance till disposal of Cr. Misc. Application No. 53 of 2014. In addition to this, learned Principal Judge, Family Court, Aurangabad, also directed the present petitioner to pay maintenance at the rate of Rs.5,000/- p.m. to the original petitioner No.1 wife from the date of filing of petition by way of interim maintenance till disposal of Cr. Misc. Application No. 53 of 2014. This order is challenged in the present Criminal Revision Application.

3. It appears that Cr. Misc. Application No. 53 of 2014 is still pending and subsequent order dated 15.12.2014 passed below Exh.7 is under challenge in the present Criminal Revision Application. This Criminal Revision Application can be disposed of with certain directions to the Family Court, Aurangabad. Hence, the following order :

ORDER

- I. Without prejudice to the contentions raised by the present petitioner in Cr. Misc. Application No. 53 of 2014, petitioner shall continue to pay maintenance by way of interim maintenance, to

the respondents as directed by the Principal Judge, Family Court, Aurangabad, by order dated 15.12.2014 below Exh.7 except as modified by clause III below.

- II. The Principal Judge, Family Court, Aurangabad, is hereby directed to dispose of the Cr. Misc. Application No. 53 of 2014 within a period of three (03) months from today.
- III. So far as the impugned order, directing the present petitioner to pay a maintenance at the rate of Rs.5,000/- per month to the original petitioner No.1 wife from the date of filing of petition No. E-50 of 2011 i.e. from 16.03.2011, is concerned, the same is modified and the present petitioner is directed to pay a maintenance at the rate of Rs.5,000/- per month to the original petitioner No.1 wife from the date of order passed by the Principal Judge, Family Court, Aurangabad, below Exh.7, i.e. from 15.12.2014.
- IV. The parties shall appear before the Principal Judge, Family Court, Aurangabad, within fifteen (15) days from today.
- V. The Criminal Revision Application is accordingly disposed of.

(V. K. JADHAV, J.)

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