

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 341 OF 2006

Shri Ilmuddin Ismail Inamdar	..	Applicant
vs.		
Sau. Ayesha Ilmuddin Inamdar	..	Respondent

None for Applicant.
None for Respondent.

CORAM : M. S. SONAK, J.
DATE: 26 AUGUST 2016

P.C :

- 1] Neither the applicant nor his Advocate are present.
- 2] On 4 October 2006 this revision application came to be admitted. In the order it is recorded that the learned counsel for the applicant was heard at length on the issue of interim relief. However, no case was made out for grant of interim relief. Accordingly, interim relief was refused.
- 3] Once again, on 12 April 2007 attempt was made to seek interim relief. Again, after hearing the learned counsel for the applicant, this Court opined that no case was made out for grant of any interim relief. In the order, it was noted that it would be in the interest of the applicant that he deposits the arrears of maintenance

as early as possible otherwise, the respondent wife would be at liberty to prosecute her remedy before the family court for the recovery of maintenance amount.

4] On 6 July 2007 criminal revision application was dismissed for non prosecution. However, upon a motion for restoration in the afternoon session, the criminal revision application was restored. In the order dated 6 July 2007 the assurance on the part of the learned counsel for the applicant that he will inform the respondent that the matter is listed for hearing in the next week, was noted. On 12 July 2007, this criminal revision application was dismissed for non prosecution. In the order dated 12 July 2007, this Court, made reference to the conduct of the applicant as recorded in the order dated 6 July 2007. The matter remained pending for considerable time. By order dated 25 September 2008 the matter was placed before the learned Single Bench by the Division Bench.

5] Today, when the matter is called out, neither the applicant nor his Advocate are present. The challenge in this criminal revision application is to the order dated 3 June 2006 by which the family court has directed the applicant to pay maintenance at the rate of Rs.700/- per month to the respondent from the date of the petition.

6] The case of the applicant in this criminal revision application is that the applicant had already grated talaq to the respondent and consequently was not liable to pay any maintenance. The impugned order notes that there is no evidence on record in the matter of grant of talaq. The impugned order, upon due consideration of the evidence on record proceeds to hold that there was no joint meeting in which the alleged talaq was pronounced by the applicant. In short, upon evaluation of the material on record, learned family court has held that all the ingredients necessary for establishment of a talaq have not been proved. In such circumstances, the defence of the applicant was rejected.

7] Taking into consideration the limited scope of revisional jurisdiction, there is no case made out to interfere with the impugned order. In the exercise of revisional jurisdiction, it is normally not open to this court to reassess or re-appreciate the evidence on record. In any case, from the perusal of the record, it cannot be said that the finding of fact recorded in the impugned order is vitiated by any material irregularity or perversity. For all the aforesaid reasons, there is no case made out to interfere with the impugned order. Accordingly, this revision application is dismissed. There shall be no order as to costs. The applicant is directed to comply with the directions in the impugned order and to clear

arrears towards maintenance, if there be any, within a period of eight weeks from today. In case, the applicant has deposited any amounts towards arrears of maintenance before the family court, the respondent wife is at liberty to withdraw the same unconditionally.

8] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka