

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3458 OF 2013

Shri. Sampat Shripati Pawar

.....Petitioner

V/S.

The State of Maharashtra & anr.

.....Respondents

* * * * *

Mr. P.G. Chavan, Advocate for the petitioner.

Ms. S.V. Gajare, APP for State, respondent no.1.

Mr. S.C. Babar, Advocate for respondent no.2.

Coram :- Smt. R.P. SondurBaldota, J.

1st March, 2016.

P.C. :-

1). This Writ Petition challenges the order dated 16th March, 2013 by which the Court of Judicial Magistrate First Class decided the application of the respondent filed under Section 12 of the Protection of Women from Domestic Violence Act, 2015 (for short “the Domestic Violence Act”) and her application of maintenance. The petitioner contends that, the respondent is not his legally wedded wife and as such she is not entitled to maintenance or the other ancillary reliefs under the provisions of the Domestic Violence Act. Section 2f of the Domestic Violence Act is, however, not limited in its application to a legally

wedded wife. It defines “domestic relationship” as relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or family members living together as a joint family. The second submission advanced on behalf of the petitioner, is of his own old age but the respondent is also correspondingly old and needs to be looked after. The compensation and the monthly maintenance, as well as the amount in lieu of the residence awarded to the respondent being extremely reasonable, no interference with the order is called for in exercise of the extra-ordinary jurisdiction of this Court. Hence, the Writ Petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)