

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION NO.158/2015

(Shrikrishna Asaramji Reveskar..vs..Sau. Pushpa Shrikrishna Reveskar and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. G. G. Mishra, Advocate for applicant.

CORAM : A. B. CHAUDHARI, J.

DATE : JANUARY 22, 2016

Learned counsel for the applicant submits that the order/award was passed by the Magistrate granting maintenance under Section 125 of the Cr.P.C. way back in the year 2005. He further submits that the wife and the children then came to reside with the applicant since 2008 and resided with the applicant till 05.06.2014 and thereafter wife and children have again filed proceeding based on the original order of maintenance dated 02.05.2005 for recovery of maintenance amount to which the applicant raised an objection in execution proceedings bringing to the fore these subsequent events and claimed for disposal of the execution proceedings.

In my opinion, till the time the judgment and order dated 02.05.2005 in E.R.P. No.838/2002 under Section 125 of Cr. P. C. granting maintenance

holds the field, the executing Court will not be in a position to ignore the same on the subsequent events pointed out by the learned counsel for the applicant. The applicant has not worked out his remedy in proper direction.

That being so, following order is passed.

ORDER

(i) Criminal Revision No.158/2015 is disposed of.

(ii) The objection raised by applicant Exh.-14 in E. R. Application No.85/2014 is allowed to be withdrawn and is disposed of as withdrawn. Consequently order at Exh.-14 is also set aside.

(iii) Execution proceedings would continue. However, liberty is reserved in favour of the applicant-husband to take up such remedy as is available in law.

JUDGE