

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 81/2017

(VITHALRAO KISANRAO RAMTEKE **VERSUS** SHUKRATAI VITTHALRAO RAMTEKE)

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

Court's or Judge's orders

Ms P.S. Chaudhari, counsel for the petitioner.
Shri P.R. Agrawal, counsel for the respondent.

CORAM : REVATI MOHITE DERE, J.

DATE : NOVEMBER 02, 2017.

Heard learned counsel for the parties.

By this petition, the petitioner has impugned the order dated 14.10.2016 passed by the learned Judge, Family Court, Amravati in Petition No.ER72/2011, below Exhibit 1, pursuant to which, the application filed by the respondent for grant of interim maintenance was allowed.

Both, learned counsel for the petitioner and the respondent state, that admittedly, neither the counsel for the petitioner nor the counsel for the respondent were heard before the impugned order was passed. They also do not dispute the fact, that the order dated 13.12.2012 passed by this Court (Coram:M.L. Tahaliyani, J.) in Criminal Application (APL) No.432/2011 was not placed before the learned Judge.

In view of the aforesaid, the impugned order dated 14.10.2016 passed by the learned Judge, Family Court, Amravati in Petition No.ER72/2011, below Exhibit 1, is quashed and set aside. Petition No.ER72/2011 is restored back to its original file. The learned Judge, Family Court, Amravati shall decide the said petition afresh on its own merits, after hearing the parties and after considering the

order dated 13.12.2012, passed by this Court in Criminal Application (APL) No.432/2011.

The writ petition is disposed of in the aforesaid terms.

All the parties to act on the authenticated copy of this order.

JUDGE

APTE