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

**CRIMINAL REVISION APPLICATION NO.8/2018**
**Shri Ashutosh Devidas Joshi**
**..vs..**
**Shri Devidas Jagannath Joshi**

| Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders | Court's or Judge's Order |
|---|---|

**Shri A.P. Chaware, Counsel for the applicant.**
**Non-applicant – in-person.**

**CORAM : V.M. DESHPANDE, J.**
**DATED : JANUARY 24, 2018.**

**1.** Heard learned counsel Shri A.P. Chaware for the applicant and non-applicant Devidas Jagannath Joshi in person.

**2.** By the present revision, the applicant is challenging *interim* order passed by learned Judge of the Family Court No.3 at Nagpur in HMP E-Petition No.625/2015 by which learned Judge of the Family Court allowed the application for *interim* maintenance and directed the applicant to pay *interim* maintenance at the rate of Rs. 7,000/- per month to the non-applicant.

**3.** The applicant is the son of the non-applicant. The non-applicant filed an application under Section 125 of the Code of Criminal Procedure before the Family Court at Nagpur for grant of maintenance on the ground that he is not in a position to maintain himself and, therefore, the applicant, his son, be directed to pay maintenance. The non-applicant also filed an application for *interim*

maintenance.

4. The Notices on these applications were issued to the applicant and the applicant was served with the Notices issued by learned Judge of the Family Court and subsequently the applicant appeared before learned Judge of the Family Court for some days. Thereafter, the applicant stopped appearing in the Court. Consequently, order was passed by learned Judge of the Family Court on 30.8.2016 which is impugned in the application.

5. The only submission made by learned counsel Shri A.P. Chaware for the applicant is that due to mis-communication between the lawyer and applicant, the applicant failed to remain present before the Family Court at Nagpur.

6. It is the duty of every litigant to appear before the Court. In the present case, for few days the applicant appeared before the Family Court. Therefore, it was his duty to note the dates and to appear before the Family Court where the father is seeking maintenance. It is the duty of every son to take care of his father when the father is unable to maintain himself.

7. Since the main application for maintenance is still pending, the applicant can point out his case. However, no case is made out to assail the order impugned in this application. The criminal application is rejected and disposed of.

**JUDGE**

!! BRW !!