

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

Criminal Writ Petition No.88 of 2018

Iftekhar Khan s/o Aga Khan

vs.

Nazrana Parvin w/o Iftekhar Khan and another

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri Sagar Thakkar, Adv. h/f Shri A.J. Thakkar, Adv. For the Petitioner.

CORAM : S.B. SHUKRE, J.
DATE : 21st FEBRUARY, 2018.

Heard the learned Counsel appearing for the petitioner.

He submits that the respondents are required to give any proof in support of their contention that they have been residing at Akola at the time when the proceedings initiated under Section 125 of the Code of Criminal Procedure are pending. The learned Counsel is enable to explain as to what kind of proof the respondents would be required to give in support of such a contention when specifically asked by this Court. In any case, if the respondents are required to submit proof or evidence in support of such a contention, same would be possible only when there is a full trial. This is what the learned Judge of the Family Court has held by passing the impugned order. Whether the residence at Akola was in the nature of casual stay or a stay with an intention to live, could be decided only when a full trial is held. Therefore, I see no merit in this petition and it is summarily dismissed.

JUDGE

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