

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

CRIMINAL WRIT PETITION NO. 750 OF 2018

(GANESH MADHUKAR PATIL...VS.. SAU. ALKA GAJANAN KHELPADE & OTH)

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

Court's or Judge's orders

Shri A.J.Thakkar, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 10, 2018.

Heard.

2. The respondents had filed application under Section 125 of the Code of Criminal Procedure against the present petitioner claiming maintenance from him. The present petitioner denied the claim of the present respondent No.1 that she is legally wedded wife of the present petitioner. However, the present petitioner has not denied the claim of the respondents that the petitioner was father of the respondent Nos. 2 and 3. The learned Magistrate conducted the trial and by order dated 16th May, 2015 upheld the claim of the respondents for maintenance and directed the petitioner to pay maintenance @ Rs.1,000/- per month for each of the respondent and Rs.2,000/- towards litigation expenses. This order was challenged by the petitioner before the Sessions Court in revision, which is dismissed by the impugned order.

3. On query, the learned advocate for the petitioner has stated that the petitioner has not paid any amount of maintenance as per the impugned order. Though the

petitioner claims that the respondent No.1-Sau. Alka Gajanan Khelpande is not entitled to seek maintenance from the petitioner as she is not his legally wedded wife, there is no justification for not paying the amount of maintenance as directed by the learned Magistrate, to the minor children – respondent Nos. 2 and 3.

4. Apart from the fact that the petitioner has not been able to point out any illegality or perversity in the impugned order, in view of the conduct of the petitioner, as recorded above, I am not inclined to show any indulgenc in the extraordinary writ jurisdiction.

The writ petition is **dismissed**.

JUDGE

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