

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

Criminal Revision [REVN] No.139 of 2017

Jitendra Ramesh Deotale

vs.

Sau. Manisha w/o Jitendra Deotale and another

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

Court's or Judge's Orders

Shri A.S. Bhendarkar, Advocate for the Applicant.
Mrs. M.N. Hiwase, Advocate for the Non-Applicants.

CORAM : S.B. SHUKRE, J.
DATE : 9th MARCH, 2018.

Admit.

Heard finally by consent.

This revision application challenges the illegality and correctness of the judgment and order, dated 21/07/2017 and the order passed below Exh.36 on 18/07/2017.

The order passed below Exh.36 on 18/07/2017 is an order, by which the application filed by the revision applicant for setting aside 'no cross examination order' passed on 04/07/2017, was rejected by the trial Court with costs of Rs.1,000/-. Perusal of this order discloses that neither any illegality nor any perversity has been committed by the learned Judge. It gives details of the opportunities given to the applicant and there is nothing available on record to dispute these observations. In fact, as rightly submitted by the learned Counsel for the non-applicants, these observations are consistent with the record of the case. So, I find that the learned Judge of the Family Court has rightly concluded that several opportunities have been given to the applicant and the applicant did not avail of them. If the applicant has not

availed of all the opportunities given to him, that is his own choice and now he cannot agitate the issue once again by filing such revision application.

The judgment dated 21/07/2017 passed in this very case grants maintenance of Rs.5,000/- per month to non-applicant no.1 and Rs.3,000/- per month to non-applicant no.2. The only ground on which this judgment has been challenged is denial of reasonable opportunity to plead his case to the applicant. As stated earlier, the factual situation is otherwise. Several opportunities have been granted to the applicant and by his own choice, he did not avail of them. Now, he cannot raise that issue once again and if he is allowed to do so, it would only amount to allowing the applicant to take advantage of his own wrong.

Thus, there is no merit in this revision application and it deserves to be dismissed. The revision application stands dismissed.

JUDGE

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