

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

CRIMINAL REVISION APPLICATION NO.179 OF 2014

APPLICANT: Rajesh S/o Kashinath Kamble,
Aged about 43 years, Occu: Business,
R/o Plot No.73, Anand Nagar,
Nagpur.

-VERSUS-

RESPONDENTS: 1. Smt. Nailni w/o Rajesh Kamble,
Aged about 42 years, Occu: Household,
2. Ku. Ashwini d/o Rajesh Kamble,
aged about 17 years, Occu: student
Through her natural guardian Non-
Applicant No.1
Both r/o Milan Square, Behind Munna
Garage. Chankapur, Nagpur.

Shri S. A. Chaudhari, Advocate for the applicant.

CORAM: M. G. GIRATKAR, J.

DATED: 28th NOVEMBER, 2018.

ORAL JUDGMENT :

1. Heard Shri S. A. Chaudhary Advocate for the applicant.
2. None appeared for the non-applicants since long.

3. The matter was adjourned from time to time and fixed for final hearing today. Even today nobody appears for the non-applicants.

4. As per submission of the learned Counsel Shri S. A. Chaudhari, notice was served to the applicant, but he could not remain present before the Family Court. Therefore, the matter was proceeded ex parte. He has submitted that he is a Bus Driver having a meager earning, therefore, not able to pay maintenance amount as directed by the Family Court.

5. Looking to the submission that he was not given any opportunity to contest the main proceedings, therefore, the impugned judgment is liable to be quashed and set aside. But at the same time, the applicant to pay the amount of maintenance as an interim maintenance till the final decision of the main petition. Hence, the following order:

(1) The application is allowed.

(2) The impugned judgment is hereby quashed and set aside.

(3) The Family Court is directed to give opportunity to the applicant to contest the main proceedings. During the pendency of the proceedings, the applicant shall continue to pay the amount of maintenance as ordered by the Family Court. During pendency of

the proceedings before the Family Court, the applicant shall pay amount of Rs.3,000/- per month as per order dated 17-12-2014 passed by this Court. The Family Court is directed to decide the proceedings within a period of six months.

(4) The applicant is directed to appear before the Family Court on 15-12-2018. The Family Court is directed to allow the applicant to adduce evidence, file written statement and produce all the documents.

JUDGE

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