

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.325 OF 2017

Rajendra s/o Bhaurao Deshmukh,
Age-45 years, Occu:Govt. Service,
R/o-House No.1-9-15, Jaisinghpura,
Aurangabad.

... APPLICANT

VERSUS

- 1) Sow. Jyoti w/o Rajendra Deshmukh,
Age-38 years, Occupation:Household,
R/o-House No.1-9-15, Prakaram Colony,
Jaisinghpura, Aurangabad,
- 2) Rupesh s/o Rajendra Deshmukh,
Age-14 years, Occu:Student,
R/o-As Above,
- 3) Ganesh s/o Rajendra Deshmukh,
Age-12 years, Occu:Student,
R/o-As above.

(Respondent Nos.2 and 3 are Minors
Under Guardianship of their Mother
Respondent No.1)

...RESPONDENTS

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Mr. D.S. Bharuka Advocate for Applicant.
Mr. Amol R. Gaikwad Advocate for Respondents.

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CORAM: V.M. DESHPANDE, J.

DATE : 19TH MARCH, 2019

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. Heard Shri Bharuka, the learned counsel for the Applicant and Shri Gaikwad, the learned counsel for the Respondents.

3. By the present Revision, the Applicant is challenging the order passed by learned Principal Judge, Family Court, Aurangabad in Petition No.E-125 of 2017 dated 29th September, 2017. By the said order, the learned Principal Judge of the Family Court directed the Applicant to pay maintenance @ Rs.2000/- to each of the Respondent from 19th June, 2017.

4. According to Shri Bharuka, the learned counsel for the Applicant, the impugned order is an ex-parte order and due to health issue, the Applicant could not remain present before the Court below, consequently the impugned order needs to be set aside.

5. After hearing the learned counsel for the Applicant and Respondents, to meet the ends of justice, I pass the following order:-

O R D E R

(I) The Applicant is directed to deposit the amount of maintenance @ Rs.6000/- per month from 19th June, 2017 till today i.e. 19th March, 2019, in the Court of Principal Judge, Family Court, within period of three weeks from today.

(II) Needless to mention that, the amount, if

any, deposited earlier by the Applicant should be adjusted.

(III) If the amount is deposited within a period of three weeks from today, then only the Petition E-125 of 2017 stands remanded to the Court of Principal Judge, Family Court, Aurangabad.

(IV) The parties to appear before the Principal Judge, Family Court, Aurangabad on 16th April, 2019, so that no fresh notices would be required to be issued to the parties to this Revision Application.

(V) After the appearance of the parties before the Court below, the Principal Judge, Family Court, Aurangabad to try and decide the Petition E-125 of 2017, afresh, after giving opportunity of hearing, which shall inclusive of filing of written statement, application for amendment etc., within a period of six months from the date of

appearance of the parties.

(VI) If the amount is not deposited within the period of three weeks i.e. on or before 9th April, 2019, then the present Revision Application shall be treated as dismissed.

(VII) If the amount is deposited, the Respondents will be entitled to withdraw the said amount without offering any security for the same, since it is the amount towards maintenance.

(VIII) Rule is made absolute on above terms. The Revision Application stands disposed of, accordingly.

[V.M. DESHPANDE, J.]