

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

**CRIMINAL REVISION NO.210 OF 2018**  
**(Bharti Devraj Pachurkar .vs. Devraj Uttamrao Pachurkar)**

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

Court's or Judge's Orders

*Mr.C.A.Babrekar, Advocate for the applicant.*

**CORAM** : N. W. SAMBRE, J.

**DATE** : 26.9.2019.

Heard.

Though served, none appeared for respondent/husband.

The Family Court, Amravati vide impugned order dt.28.9.2018 has rejected the prayer of applicant/wife for grant of maintenance on the ground that the applicant has suppressed certain material facts whereby it could be inferred that marriage of applicant with the non-applicant is not legal in the eyes of law.

Learned Counsel for the applicant submits that the Apex Court in the matters of **Badshah vs. Sou. Urmila Badshah Godse and another** reported in AIR 2014 SC 869 and **Dwarika Prasad Satpathy vs. Bidyut Prava Dixit** reported in 1999 DGLS (SC) 1158 has held that, even in a case of void or voidable marriage, maintenance can be claimed and payable.

Since the aforesaid contentions are not controverted by non-applicant and in view of law laid

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down in the aforesaid two Judgments, it will be appropriate, in my opinion, to quash and set aside the impugned order dt.28.9.2018 passed by the Family Court, Amravati.

As such, it is directed that the Family Court, Amravati shall decide the said proceedings in Petition No.E-26/2016 afresh in the light of law laid down by the Apex Court in the matters of Badshah and Dwarika Prasad Satpathy (cited supra), expeditiously.

**JUDGE**

jaiswal