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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5791 OF 2019
AND
WRIT PETITION NO. 5796 OF 2019**

Milind Shankar Lad Alias Mohamed
Shamim Inamdar

.....Petitioner

V/s.

Pratibha Milind Lad Alias Pratibha
N. Mhatre and another

.....Respondents

Mr. Ajit S. Karwande for the Petitioner
Mr. N. B. Patil APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 5, 2020.

P.C.

Order of award of maintenance by the Magistrate under Section 125 of Code of Criminal Procedure, 1973 was confirmed in a Revision by the learned District Judge which is the subject matter of challenge in this petition.

2] While questioning the order of award of maintenance, reliance is placed by the applicant-husband, so as to disown the

responsibility to pay maintenance, on the order dated 03/05/2019 passed by the Metropolitan Magistrate in proceedings arising out of registration of marriage.

3] Admittedly, the order dated 03/05/2019 which is sought to be relied upon for questioning the order of award of maintenance is subsequent to the order of Magistrate awarding maintenance i.e. on 31/03/2017. As such, learned Magistrate had no occasion to deal with the observations made in the order dated 03/05/2019.

4] In the aforesaid background, in my opinion, without going into the merits of the present Writ Petition, it will be appropriate to dispose of the same with liberty to the petitioner to approach the Court of Magistrate under Section 127 of Code of Criminal Procedure, 1973 with liberty to espouse the aforesaid ground.

5] Petitions stand disposed of with above liberty.

[NITIN W. SAMBRE, J.]