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

WRIT PETITION NO.958 OF 2021

RAVINDRA R. PANCHANG .. PETITIONER
VS.
RIYA RAVINDRA PANCHANG & ORS. .. RESPONDENTS

Mr. Vijaykumar Dighe for the petitioner.
Mr. N.B. Patil, APP for State.

CORAM : M.S.KARNIK, J.

DATE : MARCH 18, 2021

P.C.:-

Heard learned counsel for the petitioner.

2. The petitioner is challenging an order dated 18/4/2017 passed by the Family Court, Pune, below Exhibit 12 confirming the ad-hoc order granting interim maintenance. By an order dated 23/1/2017 the petitioner was directed to pay Rs.7,500/- per child per month to the guardian of the children i.e. their mother.

3. It is the contention of learned counsel for the petitioner that as he met with an accident and suffered paralytic attack he could not remain present to contest the Petition below Exhibit 12.

Learned counsel submitted that the order is an ex parte order. In terms of the order dated 23/1/2017 the arrears as on today are Rs.11,25,000/-.

4. The petitioner is personally present in the Court. Learned counsel for the petitioner took instructions from the petitioner about his willingness to deposit some part of the arrears so as to enable this Court to proceed further with the matter. Learned counsel for the petitioner on instructions says that it is not possible for him to deposit even a part of the arrears because of his financial condition.

5. I am not inclined to interfere with the impugned order. However, learned counsel for the petitioner submits that the application under Section 127 of the Code of Criminal Procedure is pending before the Family Court. It is open for the petitioner to pursue the said application and request the Family Court for an expeditious disposal. The same obviously be decided on its own merits and in accordance with law and without being influenced by the rejection of the present Petition.

6. From the order dated 13/3/2019 in the application under Section 127 filed by the petitioner it is seen that the petitioner

was absent and that he has not advanced any argument on application under Section 127 of the Code of Criminal Procedure. Learned counsel for the petitioner on instructions undertakes to appear before the Family Court on 25/3/2021 and co-operate with the Family Court.

7. The Family Court is requested in these circumstances to consider the application under Section 127 of the Code of Criminal Procedure on its own merits and in accordance with law. The observations made by me are without prejudice to the rights of the respondent - wife to initiate the appropriate proceedings for recovery of the arrears of maintenance.

Diksha
Rane

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Diksha Rane
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8. The Petition is disposed of.

(M.S.KARNIK, J.)