

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

CRIMINAL REVISION APPLICATION (REVN) NO.259 OF 2019

(Ramesh s/o Wamanrao Gajbhiye Vs. Smt. Pranita w/o Ramesh Gajbhiye)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Ms. Aarti Singh, Advocate for Applicant.

CORAM: ROHIT B. DEO, J.

DATE: 13th OCTOBER, 2021.

The note of the Registry is that though this Court permitted the applicant to amend the cause-title and to furnish the correct address of the sole respondent, and further condone the delay, the applicant has neither corrected the cause-title nor has the applicant supplied copy for service.

2. I have nonetheless heard the learned counsel Ms. Aarti Singh on the *prima facie* merit of the application, and I am satisfied that the revision is absolutely frivolous.

3. The non-applicant preferred an application under Section 125 of the Criminal Procedure Code, 1973 (Code) seeking maintenance.

4. The applicant is the husband who is arrayed as the sole non-applicant in proceedings under Section 125 of the Code. He preferred an application styled as an application

“for rejection of the plaint of the applicant”. He submitted that the marriage of the applicant and the non-applicant was performed at Koradi and that the address mentioned in the cause-title, which is at Rameshwari behind Police Station Ajni, is not correct. He specifically submitted that the applicant resides at Ramanagar Railway Chowki, Kamptee.

5. The learned Magistrate dismissed the application noting that the wife has filed on record Election Card wherein the address is shown as Banerjee Layout, Nagpur. The learned Judge, Family Court further noted the decision of the Delhi High Court in ***Sachin Gupta v. Rachana Gupta*** reported in ***I (2019) DMC 508 (Del)*** and held that the learned Judge, Family Court, Nagpur will indeed have the requisite jurisdiction.

6. I see no error in the view taken by the learned Judge of the Family Court. In any event, the issue involves disputed questions of fact and it was even otherwise not permissible for the Court to entertain the objection, the consideration of which requires resolution of disputed facts.

7. The application is dismissed.

JUDGE