

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 31 OF 2022

SACHIN SOPAN WADKAR  
VERSUS  
GITA W/O. SACHIN WADKAR AND OTHERS

...

Advocate for Applicant : Mr. Dhanure Bramhanand M.

Advocate for Respondents : Mr. Suraj V Gundre

...

**CORAM : BHARAT P. DESHPANDE, J.**

**DATE : 10<sup>th</sup> AUGUST 2022.**

**Per Court :**

1. After hearing the learned Counsel for both the parties for some time, it is now submitted by the learned Counsel for the Applicant that learned Family Court at Latur, decided the petition exparte against the Applicant and he was not allowed to cross-examine the Respondent No.1 and her witness. He then submits that if the matter is remanded to the learned Family Court with permission to cross-examine the Respondent and her witnesses and to decide the matter afresh, he is ready and willing to deposit the arrears of 48 months, which comes to

4,80,000/-, thereby adjusting the amount already deposited, within a period of five months in equal installments.

2. Learned Counsel for the Respondents fairly submitted that if the Applicant is directed to deposit the arrears, the matter could be remanded by giving opportunity to the Applicant to cross-examine the Respondent and her witness.

3. Considering the above submissions, Revision Application could be disposed of on the following aspects.

. The impugned order could be set aside, thereby permitting the Applicant to cross-examine the Respondent No.1 and her witness and with direction to trial Court to decide the matter afresh on condition that Applicant shall deposit the entire arrears amount of Rs.4,80,000/- within a period of five months from today in equal installments, thereby adjusting the amount already paid i.e. Rs.1 Lakh.

4. In view of the above submissions, Revision Application could be disposed. Hence the following order.

**ORDER**

- (i) The impugned order dated 06.03.2020 in Petition No. E-50/2018 is thereby quashed and set aside.
- (ii) The matter is remanded to the learned Family Court at Latur. Learned Family Court shall give an opportunity to the Applicant to cross-examine the Respondent No.1 and her witness. The Respondents at liberty to cross-examine any other witness if required. Thereafter Applicant shall examine himself and his witness if required.
- (iii) Learned Family Court shall decide the said Petition afresh within a period of six months from today.
- (iv) The Applicant shall deposit the entire amount of arrears of 48 months from 12.07.2018 up to 31.07.2022 i.e. Rs.4,80,000/- by adjusting the amount of Rs. 1 Lakh already paid, in equal installments within a period of five months from today before the learned Family Court.
- (v) The Respondent No.1 is entitled to withdraw the said amount.

(vi) All the contentions of the respective parties are kept open.

5. In view of this, the Revision Application stands disposed of.

[ BHARAT P DESHPANDE, J.]

*Najeeb.*