

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 75 OF 2021

Ganesh S/o Narayan Jadhav

Applicant

Versus

Sneha w/o Ganesh Jadhav

Respondent

Mr. Abhishek Kulkarni, Advocate for the applicant.

Mr. R. K. Ashtekar, Advocate for the respondent.

CORAM : M.G. Sewlikar, J.

DATE : 14th MARCH, 2022.

PER COURT :

1. Shri Kulkarni, learned counsel for the applicant submits that he has deposited amount of Rs. 2,16,000/- towards arrears of maintenance under Section 125 of the Code of Criminal Procedure. Applicant caused appearance in the said maintenance petition bearing No. E-59/2018 pending before the Family Court, Latur. However, applicant did not file his say. According to learned counsel for the applicant, there was lack of communication between the applicant and his advocate in the Family Court, Latur. Applicant is resident of Ambarnath, District Thane whereas the proceedings were pending before the Family Court, Latur. He submits that the applicant be given an opportunity to contest the petition.

2. Shri Ashtekar, learned counsel for the respondent submits that since the applicant has deposited more than half amount towards arrears of maintenance, he has no objection for remanding the matter to the Family Court provided, a time bound programme is given to the Family Court to dispose of the proceedings.

3. In view of this, following order is passed:-

ORDER

i) The judgment and order dated 11th July, 2019 passed by the learned Judge, Family Court, Latur in Petition No. E-59/2018 is set aside.

ii) Learned Family Court, Latur shall allow the applicant to file his say/written statement, if it is filed within a period of fifteen days from the date of appearance of the parties before the Family Court, Latur.

iii) The learned Court shall allow both the parties to adduce evidence.

iv) The learned Court shall dispose of the application within three months from the date of appearance of the parties.

v) Parties to appear before the Family Court, Latur on 11th April, 2022.

vi) Applicant shall pay Rs. 5,000/- to the respondent as cost of litigation. The amount of cost can be deposited either in this Court or in the Family Court, Latur.

V ii) Application stands disposed of.

(M. G. SEWLIKAR)
Judge