

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

**CRIMINAL APPLICATION NO.1534 OF 2022
IN REVN/147/2022**

**SANDIP RATAN PATIL
VERSUS
BHAGYASHREE W/O SANDIP PATIL AND ANOTHER**

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Advocate for Applicants : Mr. Patil Ujwal Subhash
APP for Respondent/State : Mr. V.M. Kagne
Advocate for Respondent Nos.1 & 2 : Mr. Anup D. Mane h/f Mr. Amol
S. Sawant

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CORAM : S.G. MEHARE, J.

DATED : 21st NOVEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for the respondents.
2. The applicant has preferred this revision against the order granting maintenance passed by the learned Judge, Family Court, Dhule.
3. Learned counsel for the applicant would submit that the learned Judge, Family Court did not consider whether the notice was properly served or not. That is the sole ground challenging the impugned order and seeking exparte stay.
4. Learned counsel for the respondents has vehemently argued that the notice was correctly served on the proper address. The quantum determined by the learned Judge, Family Court is also

correct and proper. The applicant was in arrears of Rs.2,50,000/-. The non-applicant has to file the execution proceedings and thereafter, the applicant approached this Court. The impugned judgment and order was passed in the year 2021. The applicant did not pay a single penny towards the maintenance to the respondents. Even today, the maintenance of Rs.2 lacs is in arrears. The applicant is not paying the maintenance regularly. Hence, the interim stay may not be granted.

5. Perused the papers. The learned Judge, Family Court had granted Rs.6,000/- per month to the wife and Rs.4,000/- per month to the daughter. The counsel appearing for the applicant did not deny that the applicant is in arrears of Rs.2 lacs on date. He is arguing again and again that an opportunity should be granted to the applicant to cross-examine the witnesses. Whether his absence was genuine or beyond his control, has to be examined on merit. Till then, the applicant cannot absolve from responding to his responsibility to maintain his wife and daughter. The applicant's counsel would submit that the applicant is getting Rs.15,000/- per month. In view of the fact, the interim protection may be granted on certain conditions. Hence, the following order :

ORDER

I) The application is allowed.

(3)

II) The impugned order dated 22.09.2021 passed by the learned Judge, Family Court, Dhule in Petition No.E-66/2020 granting maintenance to the respondents is stayed till the conclusion of present petition, on the condition that the applicant shall deposit Rs.1,50,000/- towards arrears of maintenance in three equal installments of one month each from today and continue to pay Rs.4,000/- per month to the respondent-wife and Rs.3,000/- per month to the daughter.

III) If the applicant would fail to pay the maintenance as directed above, the stay shall stand automatically vacated.

IV) List the revision application on 16.12.2022. Call record and proceedings.

(S.G. MEHARE, J.)

Mujaheed//