

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

947 CRIMINAL REVISION APPLICATION NO.192 OF 2022

SHAIKH IMRANODDIN SHAIKH HAFIJODDIN
VERSUS
SABA W/O. IMRANODDIN SHAIKH AND ANOTHER

...
Advocate for Applicant : Mr. S. B. Joshi & Mr. S. S. Patnurkar
for J. P. Legal Associates.
Advocate for Respondent Nos.1 & 2 : Adv. Ansari Asfia Nuzhat.
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CORAM : S. G. MEHARE, J.
DATE : 19.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.
2. The impugned order has been challenged only on the ground that opportunity to lead the evidence was declined by the Court since the learned counsel appearing for him did not file an affidavit as per the directions of the Hon'ble Apex Court in the case of *Rajnish Vs. Neha, (2021) 2 SCC 324*. The applicant's counsel would submit that as per the order of this Court dated 14.07.2022, he is paying maintenance to the respondent/wife and child. Learned counsel for the applicant would submit that if the opportunity is granted, the purpose

would be served. However, he is ready to abide by the conditions imposed by this Court in its order dated 14.07.2022.

3. Learned counsel for the respondents would submit that the applicant was not diligent. But the fact remains that he did not lead the evidence before the Court. In view of that matter, the opportunity needs to be granted to lead the evidence. Hence, the revision application deserves to be allowed. Hence, the following order :

ORDER

- (i) Criminal Revision Application is allowed.
- (ii) The impugned judgment and order passed by the learned Judge, Family Court, Aurangabad, dated 12.11.2021 is set aside.
- (iii) The opportunity is granted to the applicant to lead the evidence within two (2) months and continue to pay the maintenance, as per the order of this Court, dated 14.07.2022.
- (iv) Record and Proceedings be returned to the concerned Court.

(S. G. MEHARE, J.)

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vmk/-