

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD

907 CRIMINAL REVISION APPLICATION NO. 186 OF 2019

ZUBER SHAIKH SAYYED
VERSUS
NAZIYA SHAIKH ZUBER AND ANOTHER

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Advocate for Applicant : Mr. Gaurav L. Deshpande
Advocate for Respondents : Mr. Anudeep D. Sonar
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CORAM : BHARAT P. DESHPANDE, J.

DATED : 27 JULY 2022

PER COURT :-

1. Heard learned counsel appearing for the applicant as well as learned counsel appearing for the respondents.

2. It is reported by learned counsel for the respondents that the learned Judicial Magistrate, First Class, Dhule in Criminal Misc. Application No. 161 of 2018 filed under the provisions of the Protection of Women from Domestic Violence Act, 2005, vide order dated 23.02.2022 awarded maintenance of Rs.3,000/- each. While deciding the said application, learned Magistrate has considered the amount of maintenance awarded by learned Family Court at Dhule in Petition no. 214 of 2018 vide judgment and order dated

27.05.2019. He submitted that the order of the learned Family Court, Dhule has now merged in the order of the learned Magistrate and the total maintenance amount which the applicant is to pay is Rs.3,000/- each, per month.

3. Learned counsel for the applicant therefore submitted that his right to challenge the order of the learned Magistrate is open and he can challenge it before the Sessions Court and in view of the statement made by learned counsel for the respondents, the present revision application could be disposed off by keeping the option open to the applicant for challenging the order on all grounds.

4. With these observations and by keeping all the options open for the applicant, the present revision application stands disposed off in view of the order passed by the learned Magistrate in Criminal Misc. Application No. 161 of 2018 granting maintenance of Rs.3,000/- each to the respondents herein.

5. The applicant is at liberty to challenge the said order of the learned Magistrate before the appropriate forum.

6. The applicant shall deposit the arrears, if any, before the learned Family Court wherein the proceedings are pending, within a period of two months from today.

BHARAT P. DESHPANDE, J.

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