

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

916 CRIMINAL WRIT PETITION NO.926 OF 2016

RAGHUNATH S/O RUDRA DARADE
VERSUS
KAVERI W/O RAGHUNATH DARADE

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Mr. R. P. Bhumkar, Advocate for the petitioner

CORAM : A.S. GADKARI, J.

DATE : 20th January, 2022

ORDER:

1. Petitioner husband has filed the present petition impugning Judgment & Order dated 17.05.2016 passed by learned Additional Sessions Judge, Beed in Criminal Revision Application No. 74/2014, filed by respondent wife, thereby granting maintenance of Rs.1500/- per month to her from the date of filing of her application before the trial Court.

2. Note put up by the Registry mentions that, notice issued to sole respondent is served.

Despite service, none appears for the respondent.

3. It is the prime contention of learned counsel for the petitioner that, before passing the impugned Judgment and Order dated 17.05.2016, the learned Revisional Court did not offer him an opportunity of being heard in the matter. Perusal of impugned Judgment and Order indicates that, the aspect of service of summons upon the petitioner in the said revision has not been clearly highlighted

by it. Therefore, the submission of learned counsel for the petitioner that, no opportunity of being heard in the matter before passing the impugned Judgment and Order by the Revisional Court was granted, needs to be accepted and therefore the said revision requires remand before the Revisional Court, to be decided afresh by granting opportunity of being heard to the petitioner.

4. In view thereof and on that sole ground, impugned judgment and order dated 17.05.2016 is set aside subject to the condition that the petitioner shall deposit entire arrears @ Rs.1500/- as per Order dated 17.05.2016 in the Registry of learned Magistrate, Patoda, District Beed within a period of eight weeks from today.

5. Subject to deposit of the said arrears, the Revisional Court will hear the said revision afresh by granting an opportunity of being heard to the petitioner and respondent.

6. It is made clear that, if the petitioner has already deposited/paid the amount to the respondent in furtherance of the said impugned Judgment and Order, the same shall be adjusted towards the balance amount to be deposited as mentioned above.

7. Petition is allowed in aforesaid terms.

(A.S. GADKARI, J.)