

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

CRIMINAL WRIT PETITION NO. 1298 OF 2022

Yuvraj Madhav Salunke

.. Petitioner

Versus

Madhav Motiram Salunke

.. Respondent

WITH

CRIMINAL WRIT PETITION NO. 1285 OF 2022

Yuvraj Madhav Salunke

.. Petitioner

Versus

Shantabai Madhav Salunke

.. Respondent

Ms. Fatema S. Kazi, Advocate for the Petitioner in both matters.

Mr. Mangesh G. Patil, Advocate for Respondent in both matters.

CORAM : KISHORE C. SANT, J.

DATED : 29th NOVEMBER, 2022.

P. C. :-

1. Since the issue involved in both the petitions is same, the common order is passed.
2. Respondent in Writ Petition No. 1298/2022 is father of the petitioner whereas, respondent in Writ Petition No. 1285/2022 happens to be mother of the petitioner. Father has filed Criminal Misc. Application No. 310/2022 and mother has filed Criminal Misc. Application No. 311/2022 claiming maintenance under Section 125 of the Code of Criminal Procedure (for short "Cr. P. C."). Both have claimed Rs. 10,000/- (Rs. Ten Thousand only) per month from the

petitioner. The petitioner filed an application below Exhibit 11 in both the proceedings for adding his brother namely Chindu as a necessary party stating that he is deliberately victimized and the applications are filed only to bring pressure upon him.

3. Learned J.M.F.C., Yawal by order dated 18.08.2022 rejected the applications. It is considered that, the said brother is already making payment to the parents and therefore, he is not added as a party.

4. Taking this matter from any angle, it is settled that it is the choice of father or mother to file the proceeding against any of the son or sons. No defence to any of the sons is available that other sons also be made party to such an application. It is a choice of the parents to seek maintenance from any of the son or sons. There is no concept of necessary party or joining of a party in proceeding under Section 125 of the Cr. P. C.

5. This Court finds that there is no substance in the petitions. No fault can be found in the order passed by the learned J.M.F.C. Hence, both the petitions stand dismissed.

(KISHORE C. SANT, J.)

P.S.B.