

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO.1152/2021

Dilip s/o Puran Singh Solanke and another
...Versus...
Vijay Singh s/o Puran Singh Solanke and another

WITH
CRIMINAL APPLICATION (APL) NO.1269/2021

Anjanabai Puran Singh Solanke
...Versus...
Vijay Singh s/o Puran Singh Solanke and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri I.S. Charlewar, Advocate for applicants
Shri R.D. Karode, Advocate for respondent no.1

CORAM : AVINASH G. GHAROTE, J.

DATE : 07/04/2022

1. These applications challenge the judgment passed by the learned Additional Sessions Judge, Akola in Criminal Revision No.223/2018, dated 23/03/2021, whereby the learned Additional Sessions Judge has partly allowed the revision and quashed and set aside the order passed by the learned Judicial Magistrate First Class in Criminal Misc. Application No.126/2014 dated 24/10/2018, whereby maintenance of Rs.6,000/- per month was granted to the

mother Smt. Anjanabai, and has reduced the amount of maintenance to Rs.4,000/- per month with a further direction that the same should be payable by Vijaysing Puransing Solanke and Dilip Puransing Solanke and a further direction that the original non-applicant no.3 – Ashabai Gokulsing Chavan to pay Rs.2,000/- per month.

2. The contention is that in Criminal Misc. Application No.126/2014 there were three non-applicants, namely, Vijaysing Puransing Solanke, Dilip Puransing Solanke and Ashabai Gokulsing Chavan, however, in the revision preferred by Vijaying Puransing Solanke neither Dilip Puransing Solanke nor Ashabai Gokulsing Chavan were made parties and in their absence, the learned Revisional Court, has passed an order making Dilip Puransing Solanke as well as Ashabai Gokulsing Chavan, also responsible for payment of the maintenance. Such an order could not have been passed in the absence of the non-applicants in Criminal Misc. Application No.126/2014, who are admittedly not made parties to the revision, considering which, the impugned judgment dated 23/03/2021 is hereby quashed and set aside. The matter is remanded back to the learned Sessions Court with a direction to add the present applicants as party respondents and then to decide the revision afresh after affording them an opportunity of being heard.

3. The criminal applications are accordingly allowed in the above terms. The revisions shall be decided within a period of three months. The applicants are directed to place a copy of this order before the Revisional Court on 11/04/2022.

(AVINASH G. GHAROTE, J.)

Wadkar