

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

939 CRIMINAL WRIT PETITION NO.217 OF 2023

**NIRMALA DIGAMBAR PATIL
VERSUS
DIGAMBAR KADU PATIL AND ANOTHER**

...

Advocate for Petitioner : Mr. Patil Atmaram J.
APP for Respondent No. 1 : Mr. M.M. Nerlikar

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 13.04.2023

PER COURT :

The petitioner who is in successful in getting an order under Section 125 of the Code of Criminal Procedure is approaching this Court with following prayer :

“(b) By issuing writ of certiorari or any other writ and direction that the respondent be directed to pay lump sum amount and the Ld. J.M.F.C., Bhusawal be directed to direct respondent to pay arrears of maintenance as early as possible and necessary direction be issued to all Ld. J.M.F.C. by directing the respondents to pay arrears of maintenance.”

2. We are afraid, the petitioner is not resorting to the appropriate remedies as are available to her in law to get the order passed by the learned Magistrate under Section 125 of the Code of Criminal Procedure executed.

3. In exercise of the writ jurisdiction, we cannot grant relief being

claimed when suitable remedy is available to her in law.

4. The Criminal Writ Petition is dismissed. However the learned Magistrate shall take appropriate steps in the proceeding preferred by the applicant under Section 125(3) of the Code of Criminal Procedure expeditiously.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

mkd/-