

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.194 OF 2022

JITENDRA S/O UDDHAVRAO CHOUDHARI
VERSUS
VAISHALI W/O JITENDRA CHOUDHARI

...
Advocate for Applicant : Ms. Preeti R. Wankhede
APP for Respondent : Mr. Mangesh M. Tade
...

CORAM : S. G. MEHARE, J.

DATE : 14-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent.
2. There appears good ground for remitting the matter for fresh trial by granting an opportunity to the applicant to contest on merit on certain conditions. Hence, the following order:-
 - i) Application is allowed.
 - ii) The judgment and order of the learned Additional Sessions Judge, Jalna, in PWDVA Appeal No.4 of 2021, dated 29.04.2022 and judgment and order of the learned Judicial Magistrate First Class, Jalna, in Criminal Miscellaneous Application No. 66 of 2016, dated 18.01.2019, are set aside.

- iii) The case is remitted to the court of the learned Judicial Magistrate First Class, Jalna, for disposal afresh by granting an opportunity to the applicant/husband to file written statement and lead the evidence.
- iv) The respondent/wife may be given equal opportunity to lead the evidence, if any, on the condition that the applicant/husband shall clear the arrears of maintenance @ Rs.3000/- per month as per the impugned order and continue to pay Rs.3000/- per month as interim maintenance till the conclusion of the application.
- iv) In the event of excess payment by the present applicant as per this order, that shall be adjusted towards maintenance.
- v) The learned Judicial Magistrate is directed to dispose of the matter within six months from the date of receipt of this order.

**(S. G. MEHARE)
JUDGE**

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