

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO.1475 OF 2020**

RAJARAM SONU BAGUL
VERSUS
BEBIBAI RAJARAM BAGUL AND OTHERS

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Mr. V. P. Raje, Advocate for the Petitioner.

Mr. N. N. Desale, Advocate for Respondent Nos.1 to 4.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 24th AUGUST, 2023.

PER COURT:-

1. This petition takes exception to the order dated 20.09.2019 passed by the Additional Sessions Judge, Dhule in Criminal Revision Application No.66/2014 by which the Revision Petition is dismissed, thereby confirming the order passed by the learned Judicial Magistrate First Class, Sakri in Criminal Miscellaneous Application No.152/2002 by which the maintenance was enhanced to Rs.2500/- in favour of respondent no.1-Wife and Rs.1000/- in favour of respondent no.2-Son of the petitioner.

2. Mr. Raje, learned Advocate appearing for the petitioner would submit that the Revision Application filed by the petitioner has been decided in absence of the learned Advocate representing him before the Court. By inviting attention of this Court to the observations in paragraph no.4 of the impugned order, he would point out that the order is passed only after hearing the learned Advocate appearing for the respondents. He would submit that in fitness of thing the matter needs to be

remanded back with an opportunity to the petitioner to make submissions on merits. He would further submit that respondent no.3 attained majority during the pendency of the Revision Petition, as such he would not be entitled for maintenance as awarded by the Court.

3. Mr. Desale, learned Advocate appearing for the respondents would submit that after due opportunity to the petitioner, the Revision Application was required to be decided in absence of the learned Advocate appearing for the petitioner. He would submit that for his own default, the petitioner cannot seek indulgence of this Court in the writ jurisdiction. He would further submit that, if the petitioner wants modification of the order to the extent of the son, who attained majority, the remedy lies with the Magistrate under Section 127 of the Cr.P.C.

4. Having considered the submissions advanced, it can be observed that the meager maintenance has been awarded to the respondents by the Court. No reasons are pointed out as to why the petitioner cannot pay such maintenance to his wife, who is now at the advanced age of 60 years. So far as submission that major son cannot claim maintenance, it can be dealt with in independent proceedings for which the petitioner may have resort.

5. In that view of the matter, there is no substance in the writ petition. Writ Petition is dismissed.

(S. G. CHAPALGAONKAR)
JUDGE