

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.237 OF 2022

KRISHNA KUNDANSINGH RAJPUT
VERSUS
NEHA W/O KRISHNA RAJPUT @ NEHA MOHANSINGH PARIHAR AND
ANOTHER

...
Advocate for Applicant : Mr. Mahesh B. Ubale
Advocate for Respondents : Mr. Avinash A. Khande
...

CORAM : S. G. MEHARE, J.

DATE : 03-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.
2. The applicant has a case that the summons was not properly served upon him. Hence, he could not contest the trial. He has a good case on merit. Therefore, opportunity may be granted to him to contest the matter before the trial Court.
3. The learned counsel for the respondents/original applicants would argue that the notice was properly served, however, the present applicant deliberately remained absent. He has no grounds for denial of the service of notice.
4. It is not in dispute that the impugned order was passed *ex-parte* against the applicant. The applicant is an employee of the bank. The opportunity to contest the application on merit may be

granted to make justice on certain condition. Hence, the following order:-

- i) Application is allowed.
- ii) The judgment and order of the learned Principal Judge, Family Court, Aurangabad, in Application No. E-119 of 2021 (Neha w/o. Krushna Rajput @ Naha d/o. Mohansing Parihar and another Versus Krushna d/o. Kundansing Rajput) dated 18.05.2022, is set aside on the condition that the applicant shall deposit Rs.1,50,000/- within two months from today before the Family Court, Aurangabad, and continue to pay Rs.8000/- per month to the wife and Rs.4000/- per month to the daughter, till the conclusion of the petition on merit.
- iii) The learned Principal Judge, Family Court, Aurangabad, is requested to give him an opportunity to contest the matter on merit in filing written statement.
- iv) If the applicant would not comply with any condition, this order would automatically vacated.

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

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