

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

CRIMINAL REVISION APPLICATION NO.354 OF 2022

**SHAIKH SADIQ SHAIKH AFSAR
VERSUS
FATEMA BEE SHAIKH SADIQ**

...
Advocate for Applicant : Mr. Kulkarni Abhishek
Advocate for Respondent : Mr. Vikrant Palsikar
...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 03, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. The applicant proceeded ex-parte. He was served but due to some reason, he could not appear.
3. Learned counsel for the applicant prays to take a lenient view and grant an opportunity to contest the petition on merit. The order granting maintenance appears not on higher side.
4. Learned counsel for the respondent opposed the application.
5. The applicant did not respect the Court notice; however in the interest of justice, opportunity may be granted to him on certain conditions.
6. In view of the above, the following order is passed :

ORDER

- I) The application is allowed.
- II) The impugned judgment and order of the learned Judge, Family Court, Aurangabad in Petition E-170 of 2021 dated 03.03.2022 is set aside and leave granted to the applicant to contest the petition on merit by filing written statement, on the condition that the applicant shall clear the arrears of maintenance within two months from today and continue to pay the amount of maintenance granted by the learned Judge, Family Court, Aurangabad.
- III) If the applicant fails to comply with these conditions, this order would automatically cancelled.
- IV) Record and proceedings be returned to the Family Court, Aurangabad.

(S.G. MEHARE, J.)