

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

CRIMINAL REVISION APPLICATION NO.256 OF 2019

Tauheed Gulrej S/o Waheedodin Soudagar,
Age : 41 years, Occu. Service,
R/o Waheed Residency, Noor Colony,
Thodga Road, Ahmedpur, Tq. Ahmedpur,
District Latur.
At present R/o Jeddah (K.S.A.) ... **Applicant.**

Versus

Ayesha Fatema W/o Tauheed Gulrej Saudagar,
Age 24 years, Occu. Household,
R/o Waheed Residency, Noor Colony,
Thodga Road, Ahmedpur,
At present R/o Arab Galli, Near Darbar Masjid,
Nanded, Tq. and District. Nanded. ... **Respondent.**

...

Advocate for Applicant-Petitioner : Mr. Pathan Hamzakhan I.
Advocate for Respondent : Mr. Shaikh Wajeed Ahmed.

...

CORAM : S. G. MEHARE, J.
DATE : 23.01.2023

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.
2. The applicant has a case that when the notice was served, he was serving in Saudi Arabia. Hence, he could not attend the Court and put his defence. There appears substance in his submissions. It appears that the applicant has good

ground for the relief as prayed. However, he has a sufficient source of income to pay the maintenance. Therefore, leave may be granted to him to contest the petition on merit on certain conditions. Hence, the following order :

ORDER

- (i) The Criminal Revision Application is allowed.
- (ii) The Impugned order of learned Judge, Family Court, Nanded, dated 22.07.2019 passed in E-99 of 2017 is quashed and set aside on the condition that the applicant should pay the interim maintenance of Rs.4,000/- per month from 28.08.2017 and clear the arrears @ Rs.4,000/- per month within one (1) month from the date of appearance before Trial Court and continue to pay the same amount till the conclusion of the application on merit.
- (iii) The case is remanded back to the learned Judge, Family Court, Nanded on the above terms.
- (iv) The applicant be allowed to file his written statement. After filing of written statement, the case be disposed of within six (6) months.

- (v) The amount already deposited may be adjusted.
- (vi) The parties to appear before the Family Court at
Nanded on 07.02.2023.
- (vii) Rule made absolute.

(S. G. MEHARE, J.)

...

vmk/-