



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

FAMILY COURT APPEAL NO. 53 OF 2022

APPELLANTS : 1. Ku. Ambika Santoshrao @ Bhujangrao
(Ori. Applicants) Thakre, Age @ 23 yrs, Occ - Student,

2. Ku. Devki Santoshrao @ Bhujangrao Thakre
Age @ 20, Occ - Student,

Both R/o C/o Shri Sai Regency,
Ganesh Colony, Shilangan Road,
Amravati, Tq. & Dist. Amravati.

VERSUS

RESPONDENT : Santoshrao @ Bhujangrao Madhavrao
(Ori. Respondent) Thakare, Age @ 57 yrs, Occ - Service,
R/o Chitrkut, Shrikrushna Vihar,
Near Saturna MIDC, Amravati,
Tq. & Dist. Amravati.

Shri S. M. Vaishnav, Advocate for appellants.
Ms. Aastha Sharma, Advocate h/f Shri P. R. Agrawal, Advocate for
respondent-sole.

CORAM:- VINAY JOSHI AND
M. W. CHANDWANI, JJ.
DATED : 08/12/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. Heard finally with the consent of learned counsel
appearing for the parties. **Admit.**

2. This is an appeal under Section 19 of the Family Courts
Act, 1984 filed by children challenging the order dated

14/09/2022 passed by the Family Court, Amravati in M.C.A. No.21/2019 whereby the ex-parte Judgment and Decree dated 01/10/2019 in Petition No.C-10/2019 has been passed.

3. Initially, appellants / applicants who are minor children have applied for grant of maintenance in terms of Section 125 of the Code of Criminal Procedure. In the said proceedings, ex-parte order dated 01/10/2019 has been passed granting certain amount of maintenance to the children. Being aggrieved by said ex-parte order, father has filed M.C.A. No.21/2019 for setting aside ex-parte decree. The said application was heard and decided by Family Court on merits by which ex-parte Judgment and order granting maintenance was set aside. Being aggrieved, now in turn, minor children have filed this appeal raising a challenge to the order of setting aside ex-parte decree.

4. Having regard to the nature of allegation, we have suggested to both learned counsels that the Trial Court can decide the original maintenance application afresh on merits. In view of our suggestions, both learned counsels formally admitted that the matter should be made time bound. By consent, we pass the following order :-

ORDER

I] The learned Trial Court is directed to decide the maintenance application bearing Petition No.C-10/2019 on merits within three months from the date of receipt of this order.

Ii] Both the learned counsels are directed to co-operate with the Trial Court for time bound disposal.

5. The Appeal stands disposed in the above terms.

[M. W. CHANDWANI, J.]

[VINAY JOSHI, J.]