



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.831/2023

Ashish Satranarayan Kondamwar and anr. ..vs.. Sau. Sweety alias Harshal Ashish
Kondamwar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. S. P. Giratkar, Advocate for petitioners.

CORAM : **ANIL L. PANSARE, J.**
DATE : **09.11.2023**

The challenge is to the order dated 09.10.2023 passed in Criminal Appeal No.83/2023, by Sessions Court, Chandrapur, directing the petitioner/ husband to pay Rs.1,00,000/- to the respondent/wife for her subsistence. The first appellate court has then remanded the matter back to the trial court to decide the application seeking interim maintenance afresh.

This order has been passed for the reason that the petitioner was not given an opportunity of hearing when the application seeking interim maintenance was entertained by the trial court. The case of the petitioner is that the wife has misled the trial court by filing a pursis that the husband has been duly served. The track report filed on record indicates that the envelope containing notice was not served upon the husband but was returned back with a remark that the addressee was not found at the given address.

Considering the above status, the first appellate court has remanded the matter back to the trial court for

consideration of application seeking interim maintenance, afresh. While doing so the first appellate court has noted that the application under question i.e. interim application, has been filed by the wife in September, 2020. She did not receive any maintenance since then and accordingly the first appellate court has directed the husband to pay at least Rs.1,00,000/- to the wife for her subsistence and proceeded to quash the order of learned Magistrate granting the interim maintenance.

I do not find any illegality or perversity in the aforesaid order and, therefore, not inclined to interfere with the same in the writ jurisdiction. The petition is dismissed.

(Anil L. Pansare, J.)