



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

95 CRIMINAL WRIT PETITION NO. 451 OF 2023

Girish Vijaysingh Pardeshi

VERSUS

Harshada W/o. Girish Pardeshi and another

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Advocate for the Petitioner : Mr. C.V. Dharurkar

Advocate for Respondents : Mr. S.V. Suryawanshi h/f Mr.
Pramod D. Patil

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th AUGUST, 2024.

PER COURT :-

1. By this writ petition, the petitioner is challenging the order dated 13.9.2022, passed by the learned Additional Sessions Judge, Jalgaon in Criminal Revision Application No. 95 of 2018.

2. It is the contention of the learned counsel for the petitioner that the respondent Nos. 1 and 2 had filed revision application before the Sessions Court, for enhancement of the maintenance amount.

Earlier, the Judicial Magistrate First Class (for short "J.M.F.C.") had granted maintenance amount of Rs.5,000/- to respondent Nos. 1 and

2. The said amount is enhanced to Rs.10,000/- by the learned Sessions Judge. Learned counsel further submitted that no opportunity of hearing was given to the petitioner by the Sessions Judge. The impugned order is passed behind the back of the

petitioner. The petitioner is not in a position to pay the said amount. Hence, requested to allow the writ petition.

3. It is the contention of learned counsel for the respondent Nos. 1 and 2 that the respondent No.1 has no source of income. Respondent No.2 is a minor daughter of respondent No.1 and she is taking her care. She has to bear the educational and other expenses of respondent No.2. The notice of revision application was served on the petitioner. In spite of service of notice, the petitioner failed to argue the matter. The learned Sessions Judge has passed well reasoned order on merit. No interference is required in it. Hence, requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the learned Sessions Judge. It appears that after service of notice, the petitioner remained absent before the Sessions Judge. The maintenance amount is enhanced from Rs.5000/- to Rs.10,000/-. Learned counsel for the petitioner submitted a chart before the Court, which is taken on record. As per the said chart, the outstanding amount towards arrears of maintenance is Rs.7,90,000/-. Out of which, the petitioner is ready to deposit an amount of Rs.2,10,000/-. As per the principle of natural justice, it is necessary to give opportunity to the petitioner to put-forth his contentions before

the Sessions Judge. Hence, I find it a fit case to remand the matter and I pass the following order:-

O R D E R

- I. The writ petition is partly allowed.
- II. The order dated 13.9.2022, passed by the learned Additional Sessions Judge, Jalgaon in Criminal Revision Application No. 95 of 2018 is quashed and set aside.
- III. The matter is remanded back to the learned Additional Sessions Judge, Jalgaon to decide it afresh after giving an opportunity of hearing to both the sides.
- IV. The petitioner shall deposit the arrears of aforesaid maintenance amount of Rs.2,10,000/- within two months from today by equal monthly installments, before the Sessions Court and deposit remaining arrears of maintenance amount as early as possible.
- V. All contentions of the parties are kept open.

(SHIVKUMAR DIGE, J.)

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