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IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL REVISION APPLICATION NO. 100 OF 2024

Mirza Ahmed Baig S/o. Mirza Azmat Baig,
Age : 34 Years, Occu. : Pesh Imam,
R/o. H. No.1474, Inamdar Galli,
Biloli, Tq. Biloli, Dist. Nanded.

... Applicant

Versus

1. Nusrat Fatima W/o. Mirza Ahmed Baig
@ Nusrat Fatima D/o. Syed Salim,
Age : 25 Years, Occu. : Household,
2. Mirza Azeem Baig S/o. Mirza Ahmed Baig,
Age : 04 Years (Minor) Through Natural Guardian
Respondent No.1 Mother,
Both R/o. H. No.1474, Inamdar Galli,
Biloli, Tq. Biloli, Dist. Nanded.
At Present R/o. Kela Market,
Itwara, Nanded, Tq. & Dist. Nanded.

... Respondents

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Advocate for Applicant : Mr. Hamzakhan I. Pathan
Advocate for Respondents : Mr. G.R. Syed

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CORAM : ABHAY S. WAGHWASE, J.

Dated : 12 December 2024

ORDER :-

1. Heard both sides.
2. Applicant and respondent No.1 are husband and wife and respondent No.2 is their minor son. In this revision, there is challenge

to judgment and order passed by learned Judge, Family Court, Nanded dated 16.01.2024, in Petition No.E-127/2021.

3. It is submitted by learned counsel for the applicant that, in the trial court, he has been deprived of the opportunity to lead evidence and the matter was proceeded ex-parte. That, he could not get opportunity to lead any evidence and thereby, he seeks remanding the matter back to the trial court.

4. Learned counsel for the respondents objected the application by stating that huge arrears have accumulated i.e. to the tune of Rs.2,48,000/-. However, learned counsel for respondent No.1-wife suggested that, if at all revisionist is ready to deposit 50% of the accumulated amount, he has no objection for remanding the matter back to the trial court to enable applicant-husband to lead evidence, if any. However, he further adds that, out of 50% so deposited amount, he be permitted to withdraw 25% amount.

5. After considering above submissions of both sides, it appears that, revisionist has already deposited 30% of accumulated amount. He is ready to deposit in all 50% amount i.e. including previously deposited 30% amount. He has also no objection, if 25% of

entire 50% amount is withdrawn by wife. With such understanding, to unable revisionist to contest the proceeding on merits, matter is remanded back to the trial court for fresh consideration.

6. Learned trial court to make endeavor to decide the matter as early as possible.

7. Parties are directed to appear before learned trial court on 13.01.2025.

8. Accordingly, the revision application is disposed off.

(ABHAY S. WAGHWASE, J.)