



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

903 CRIMINAL WRIT PETITION NO. 1022 OF 2024

MOHD. SHAHEBAZ MURTUZA LAHORI

VERSUS

MARYAM BEGUM W/O. MOHD. SHAHEBAZ LAHORI AND OTHERS

...

Ms. Sangmitra Wadmare Advocate for Petitioner.

Mr. Swapnil S. Dargad Advocate and Mr. S.D. Hussain Advocate
for Resp. Nos. 1 to 3.

Mr. S.D. Ghayal A.P.P., for Respondent No.4.

...

CORAM: S.G. MEHARE, J.

DATE : 27th JUNE, 2024

ORDER :

1. Heard learned counsel for the petitioner. This petition is filed against an ex-parte order passed in the petition under Section 125 of the Code of Criminal Procedure. Learned APP waives notice for respondent No.4.

2. In the impugned order, the Judge, Family Court, Aurangabad, passed ex-parte order against present petitioner in the petition filed under Section 125 of the Code of Criminal

Procedure. There is specific contention of the petitioner that at no point of time notice was served upon the petitioner.

3. The Court pointed out the provision under Section 126, proviso clause of the Code of Criminal Procedure to the learned counsel for the petitioner, under which the remedy is available before the same Court to seek setting aside the ex-parte order. She submits that remedy is available and leave may be granted to withdraw this petition with liberty to file application before the Family Court.

4. Liberty granted as prayed. Certified copy of the order produced in this Court be returned to the learned counsel for the petitioner, as per the procedure.

5. In above terms the Petition stands disposed of as withdrawn.

[S.G. MEHARE, J.]