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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 CRIMINAL WRIT PETITION NO. 1112 OF 2023

SANDIP SUDHAKAR SALVE

....Petitioner

VERSUS

NIRMALA SUDHAKAR SALVE

....Respondent

Mr. B. R. Kedar, Advocate for the petitioner
Mr. P. V. Balkhande, Advocate for respondent

CORAM : SANJAY A. DESHMUKH, J.

DATE : 03rd APRIL, 2024

P. C.

1. This writ petition is directed against the order passed by the learned Additional Sessions Judge, Bhusawal in Criminal Revision Application No.6/2022 dated 17-06-2023. The petitioner is son of respondent. Mother of the petitioner is getting pension of Rs.10,000/-. However, the petitioner could not produce the proof of receiving of pension. Therefore, the learned trial court while passing interim order at Exh.4 in Misc. Criminal Application No.326/2018 dated 18-11-2021 held that respondent is entitled of maintenance of Rs.3000/- per month. It was because no any documentary proof to show that respondent

is getting pension of Rs.10,000/- is produced on record. When the pension slip is produced on record, the Revision Court held that respondent is residing in the rented house and she requires to pay of Rs.5000/- for rent. It was also held that said pension slip was not filed before the learned trial court.

2. Heard both the sides.

3. Considering the facts situation of the case, it would be proper to direct to the learned trial court to re-decide the application at Exh.4 filed by respondent. Considering all these reasons, it would be proper to quash and set aside the order 18-11-2021 passed by the learned trial court at Exh.4 and also revision petition No.6/2022 decided by learned Additional Sessions Judge, Bhusawal by judgment dated 17-06-2023.

4. In view of above, the Criminal Writ Petition is allowed in terms of prayer clause-B.

[SANJAY A. DESHMUKH, J.]