



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

906 CRIMINAL WRIT PETITION NO. 1393 OF 2023

PRASHANT SUKHDEV SONAWANE

VERSUS

SHUBHANGI W/O PRASHANT SONAWANE

...

Advocate for the Petitioner : Mr. Gandhi Amol Subhash

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 26th June, 2024.

P.C.:

1. By this writ petition, the petitioner is challenging the order passed by the learned Judge, Family Court, Beed below Exhibit-23/D in Petition No.211 of 2020.

2. It is contention of the learned counsel for the petitioner that the respondent has filed the petition for getting maintenance before the Family Court, Beed. The respondent is under cross. No cross order is passed against the petitioner. Hence the petitioner had filed application for setting aside no cross order. The Family Court has set aside no cross order however, directed to deposit the arrears of maintenance amount in Domestic Violence proceeding, which is pending before the Judicial Magistrate, First Class, Beed, which is erroneous and out of jurisdiction. Hence he requested to allow the writ petition.

3. Though the notice is issued to the respondent, it is returned unserved. Considering facts of the matter, I am deciding this matter on merits. Perused the impugned order. While passing the impugned order, the learned Family

Court has directed the petitioner to deposit the arrears of maintenance amount in Domestic Violence Proceeding. Admittedly, Domestic Violence proceeding is not pending before the learned Judge, Family Court. Hence, the learned Judge should not have passed the said order. As it is out of jurisdiction of the learned Judge, the respondent can file the appropriate proceedings before the concerned court about getting maintenance amount. In view of the above, I pass the following order :-

ORDER

- (i) The writ petition is allowed. The impugned order dated 16.06.2023 passed below Exhibit-23/D by the Family Court, Beed is quashed and set aside.
- (ii) The petitioner shall pay cost of Rs.10,000/- to the respondent by hand.
- (iii) The petitioner is permitted to cross examine the respondent.

[SHIVKUMAR DIGE, J.]

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