



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

CRIMINAL APPLICATION NO. 4301 OF 2019

PRAVIN S/O. ARJUN JADHAV

VERSUS

**PRANITA W/O. PRAVIN JADHAV NEE MISS. PRANITA ASHA
BANSODE**

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Mr. Hemant Surve, Advocate for the Applicant

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 08.10.2024

PER COURT :-

1. Heard Mr. Surve, the learned Advocate appearing for the Applicant at length.

2. Though the matter is appearing under the caption of await service of the Respondent on the ground that the sole Respondent is not residing on the given address. However, after perusal of the record, it prima-faice appears that on 21.11.2019, the learned J.M.F.C. Aurangabad, passed an order below Exh.53 in Criminal M.A. No.2849 of 2013 and issued distress warrant for recovery of maintenance amount to the tune of Rs.1,10,000/- as

per the order passed by this Court in Criminal Revision Application No.289 of 2017. Further, on 21.11.2019, the learned J.M.F.C. passed an order and issued arrest warrant against the present Applicant for recovery of arrears of maintenance to the tune of Rs.1,00,000/-.

3. The learned Advocate appearing for the Applicant submits that the present Applicant, time to time has deposited the maintenance amount before the learned J.M.F.C. in D.V. execution proceeding No.2849 of 2013 as well as Criminal M.A. No.2849 of 2013 and satisfied the maintenance order passed by the J.M.F.C.

4. In the case in hand, the Applicant is challenging the order dated 21.11.2019 passed below Exh.55 in Criminal M.A. No.2849 of 2013 by the learned J.M.F.C. Since the Applicant contended that he has already deposited an amount of Rs.3,55,000/- till date and there is no further recovery, therefore, the execution remained fructified. Under these circumstances, the Applicant can himself appear before the learned J.M.F.C. and file application for recall of order dated 21.11.2019, passed below Exh.55, which can be decided by the concerned Court on its own merits after considering the submissions of both the sides, within a period of eight weeks from today.

5. The learned Advocate for the Applicant canvassed that the Applicant would appear before the learned J.M.F.C. on 23.10.2024 and file such application. The reply of the Respondent wife would be offered and the Application be decided on its own merits, within a period of four weeks.

6. With the above observations this Criminal Application is disposed of.

[Y. G. KHOBRAGADE, J.]

SMS