



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL WRIT PETITION NO. 147 OF 2025

Ashok Sadanand Shinde

VERSUS

Rojmery Ashok Shinde

...

Mr. Munot Vijay Bansilal, Advocate for the Petitioner

CORAM : Y. G. KHOBRADE, J.

Dated : 11th February, 2025

PER COURT :-

1. Heard the learned advocate for the petitioner at length.
2. By the present petition under Articles 226 and 227 of the Constitution of India, the petitioner put-forth prayer clauses (A), (B) and (C) as under:
 - A) Considering all the grounds in present Writ Petition the order of family court, Ahmednagar in P.E.No.122/2018 in old Cri. M.A. No. 142/2013 the order dtd.08.01.2020 be set aside and quashed and to be declared as illegal.
 - B) Till disposal of this petition the order of recovery all future maintenance in respect of the order P.E.No. 122/2018 in old Cri. M.A. No.142/2013 the order dtd. 08.01.2020 be stayed in accordance to interim relief may be granted.

C) What are amount paid in accordance of P.E.No. 122/2018 in old Cri. M.A. No. 142/2013 the order dtd. 08.01.2020 by present petitioner to Respondent be compelled to refund by Respondent to petitioner and in accordance to needful order may be passed.

3. Needless to say that on 08.01.2020, the learned Family Court passed the judgment and order in PE No. 122 of 2018 old Criminal M.A. No. 142/2013 and directed the present petitioner husband(original respondent) to pay maintenance @ Rs.4000/- per month to the present respondent wife (original petitioner) from the date of filing of the petition i.e. 17.12.2013 with cost of Rs.3000/-.

4. It is not in dispute that the said order of grant of maintenance has been challenged by the present petitioner husband in Criminal Revision Application No. 34 of 2020. On 13.01.2023, this Court (Coram S.G. Mehare, J.) passed an order and dismissed the Revision. Therefore, the order passed by the learned Family Court in PE No. 122 of 2018 on 18.01.2020 has become final/confirmed.

5. On the face of record, it appears that the present

petitioner/husband had filed Special Marriage Petition No., 22/2013 before the learned District Judge, Ahmednagar under section 10 (I) (VII) (IX) (X) OF Indian Divorce Act 1869 and prayed for decree of dissolution of marriage. On 03.11.2014, the learned Ad hoc District Judge, Ahmednagar passed an order and granted decree of dissolution of marriage with effect from the date of order i.e. 03.11.2014.

6. In view of the above, to my mind, the present petition is not at all maintainable as this Court has already affirmed the judgment and decree dated 18.01.2020 passed by the learned family Court in PE No. 122 of 2018. Hence, no interference is called for. The Criminal Writ Petition is dismissed.

(Y. G. KHOBRADE, J.)

JPChavan