



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

CRIMINAL WRIT PETITION NO. 624 OF 2025

1. Pooja w/o Pravin Ikhe Patil
Age: 32 yrs., Occ: Household,
R/o: c/o, Balasaheb Shinde Sairam Nagar,
Hatlai Road, Osmanabad Tq & Dist Osmanabad.
2. Shaurya d/o Pravin Ikhe Patil
Age: 6 yrs, Since minor under Guardian
of her mother Pooja Pravin Ikhe Patil

.....PETITIONERS

VERSUS

1. Pravin Bansidhar Ikhe Patil
Age: 42 yrs., Occ: Business.,
R/o: A-304, Orchid Towers,
S.No.114/5, Baner Road, Pune,
Dist. Pune

.....RESPONDENT

...
Mr. R. V. Naiknavare, Advocate for the Petitioners

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CORAM : SHAILESH P. BRAHME, J.
DATED : 08TH MAY, 2025

ORDER :-

- . Heard learned Counsel for the petitioner.
2. Petitioners are challenging order dated 12.03.2025 below Exh.-29, passed by learned Family Court Judge, Osmanabad in Petition No.E-4 of 2021. They are prosecuting the matter before Family Court for maintenance under Section

125 of the Criminal Procedure Code. They solicited witness summons to examine parents and sister of the respondent. It was opposed by the respondent.

3. Learned Counsel for the petitioner submits that impugned order is perverse. The respondent has huge source of income, which is not disclosed to the Court. The information can be disclosed by the family members of the respondent. It is submitted that learned Judge committed perversity in rejecting the application on the irrelevant consideration. The documents produced on record by the respondent is not disclosing the true picture. It is submitted that recourse can be taken to Section 311 of the Code.

4. Respondent has filed affidavit at Exh.-22 and also produced certain documents. Already documentary evidence is on record. The relatives of the respondent cannot be compelled to come before the Court. It would be open for the petitioner to cross-examine the witnesses, proposed to be examined by the respondent. The findings recorded by the Trial Court cannot be faulted.

5. Recourse cannot be taken to Section 311 of the Code. The proceedings are civil in nature. Parties have to lead

evidence in support of their case. It would be open to the petitioner to file on record certified copies of the public document.

6. I do not find any perversity or illegality in the impugned order. Criminal Writ Petition is dismissed.

(SHAILESH P. BRAHME, J.)

Rushikesh/2025