



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 845 OF 2025

Ashish Vilas Aitwade,
Age : 39 Years, Occu : Service,
R/o. 404, Mitesh Kunj, Javdani Road,
Virar (E), Thane – 401 303

...PETITIONER

Versus

1. Snehali Ashish Aitwade,
Age : 37 Years, Occu : Household,
2. Durva Ashish Aitwade,
Age : 9 Years, Occu : Education,
Both R/o. C/o. Shri Pramod Hiranman
Lavhangale (Koshti)
Plot No.11, Gat No.190/1,
Nisarg Colony, Pimprala,
Tq. & Dist. Jalgaon 425 001

...RESPONDENTS

None for the petitioner, as well as none for the respondents.

CORAM : ABHAY J. MANTRI, J.

DATE : DECEMBER 12, 2025

ORAL JUDGMENT :

1. On the second call, no one appears on behalf of the petitioner when the matter is called out.
2. Perused the record. It appears that, by order dated 25th June 2025, the petitioner obtained interim relief in terms of prayer clause (b), which was continued until 01st October 2025. On 01st October 2025, no one appeared for the petitioner in both sessions when the matter was called; therefore, it was directed that the matter be listed on 09th December 2025

for dismissal. Notwithstanding that, on 09th December 2025, neither party appeared before the Court in either session when the matter was called; therefore, the matter was adjourned to today with specific directions that, if the parties failed to argue the matter, it would proceed on its own merits. Despite the said order, none appears today also for the petitioner.

3. In view of the same, I have gone through the impugned order and record.

4. At the outset, it appears that the respondents filed an application before the learned Family Court for the grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973. The petitioner appeared and filed his reply to the application; thereafter, the matter was listed for evidence. The petitioner failed to conduct the cross-examination of respondent No.1; therefore, a '*no-cross*' order was passed by the learned Family Court on 07th February 2025.

5. Being dissatisfied with the said order, the petitioner filed an application (Exhibit 29) to recall the said order and for permission to cross-examine respondent No.1, on the ground that his advocate was busy in another matter. The said application was strongly resisted by the respondents on the ground that sufficient opportunity had been granted to the petitioner and that the '*no-cross*' order was thereafter rightly passed; hence, they prayed for its rejection. After considering the record, the learned Judge rejected the application, and being aggrieved thereby, the petitioner

has preferred this petition.

6. Having considered the conduct of the petitioner before the learned Family Court as well as this Court, in my view, on that ground alone, the petition is liable to be dismissed.

7. Even assuming the grounds raised in the application before the learned Family Court, I do not find any substance in it to recall the said order. It further appears that, since obtaining interim relief on 25th June 2025, the petitioner has failed to conduct the matter. However, on two occasions, by order dated 01st October 2025 and 09th December 2025, opportunities were granted to him. The conduct of the petitioner itself indicates that, with a view to protracting the matter, he remained absent; therefore, in my view, on that ground also, the petitioner is not entitled to any relief.

8. Apart from that, upon going through the grounds raised in the petition, none of the grounds demonstrates that the impugned order suffers from any illegality or perversity.

9. Thus, it appears that the petition, being bereft of merit, stands dismissed. The stay granted in favour of the petitioner is vacated.

10. Inform the learned Family Court accordingly.

(ABHAY J. MANTRI, J.)