



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 946 OF 2018

SAMEER S/O. PANDURANG PHULE

VERSUS

YASHODA @ NEETA @ NEHA W/O. SAMEER PHULE

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Shri Bagdiya Vishal A., Advocate for the Petitioner.

Ms. Anushka P. Pansare h/f Shri Jadhavar Aashish T, Advocate  
for the Respondent.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 13 November 2025

P. C. :-

1. By this petition, the petitioner is challenging the judgment and order dated 09.06.2017 passed by learned Additional Sessions Judge, Aurangabad in PWDVA Criminal Appeal No.124/2016 whereby, the order dated 02.05.2015 passed by learned JMFC Court No.13, Aurangabad in Criminal M.A. No.1048/2013 was set aside. Learned Sessions Judge was pleased to remand the matter back to learned JMFC subject to deposit of payment of Rs.1,76,000/- being the condition precedent.

2. By order dated 02.05.2015, learned JMFC directed the petitioner/ husband to pay Rs.5000/- towards monthly

maintenance from the date of application. He was also directed to pay Rs.2000/- towards rent, Rs.2 lacs towards compensation and Rs.1000/- towards the cost of the proceeding.

3. The statement is made at bar by learned advocates for the parties that the parties have obtained divorce from each other. As regards payment of arrears of amount, same is not made and the parties are pursuing the matter before the Trial Court. Due to passage of time, this matter can be disposed of on merits since the parties have been now pursuing their grievances before the Trial Court.

4. Learned advocate for the petitioner submits that learned Sessions Judge, by the impugned order, has erroneously observed that the petitioner husband failed to examine any witness to defend the application of the respondent wife and, therefore, the learned JMFC delivered the judgment by relying on documentary and oral evidence advanced by the respondent wife. In paragraph 11 of the impugned judgment, it is also observed by learned Sessions Judge that learned JMFC has passed the impugned order mainly on the ground that the petitioner husband received no opportunity to give evidence.

5. Learned advocate for the respondent has strongly opposed the petition and stated that learned Sessions Court has rightly passed the impugned order. Therefore, no interference is called for in the said order.

6. With the assistance of learned advocates for the parties, I have gone through the petition paper book. The record discloses that the period of six months was passed after closing evidence by the respondent wife before the learned JMFC and, therefore, there was no alternative but to deliver the judgment by learned JMFC in the old proceeding filed by the respondent in 2013. At the stage of first appeal, the petitioner requested to grant an opportunity to lead evidence by remanding the matter to the Trial Court and therefore, the learned Sessions Judge has rightly passed the impugned judgment. Hence, there is no illegality or mistake committed by learned Sessions Court.

7. In view of the above discussion, no interference is called for in the impugned order. Hence, the present Writ Petition is dismissed.