



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 215 OF 2023

1. Jaya w/o Vikas Ambildhage,  
Age; 32 years, Occ; Household,  
R/o; Plot NO. 05, CTS No. 26/04/02  
Pethe Nagar, Bhimnagar, Bhavsingpura,  
Aurangabad District; Aurangabad.
2. Janhavi @ Naveli D/o Vikas Ambildhage,  
Age; 06 years, Occ; Education,  
Minor, U/G; of Applicant No. 1,  
Jaya W/o Vikas Ambildhage.

...APPLICANTS

VERSUS

Vikas S/o Bhanudas Ambildhage,  
Age; 33 years, Occ; Service as Vice-Principal,  
R/o; Bambat Nagar, House No. 391,  
Beside Madhuban Hotel, Aurangabad  
District; Aurangabad.

...RESPONDENT

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Advocate for Applicants : Mr. Jadhav Arvind Gangadhar, Mr. Jamdhade  
Swapnilkumar D, and Mr. Kadam Sanjivani B.

Advocate for Respondent : Mr. Kapil Morey h/f Mr. Gadhe Ganesh  
Asaram

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**CORAM : ABHAY J. MANTRI, J.**

**DATE : 23.09.2025.**

**ORAL JUDGMENT:**

1. The applicant-wife, being aggrieved by the order dated 30.05.2023 passed by the learned Principal Judge of the Family Court, has preferred this revision, whereby an application for maintenance filed by her was dismissed on the ground that the same is not tenable.

2. At the outset, it appears that the applicant is claiming that she is his wife. The applicant has filed an application for grant of maintenance under section 125 of the Code of Criminal Procedure against the respondent. During the pendency of the said application, on 28.07.2022 the applicant has moved an application to permit her to amend her pleadings, on which the respondent has filed his reply.

3. Having considered the application, as well as the reply to the said application the learned Judge has passed an order below Exh. 1 on 28.07.2022, whereby, observed that “now question arises regarding the legality of the marriage between the applicant No. 1 and the non applicant” and therefore, the matter was kept for final hearing. After hearing the parties and after having gone through the record as well as the judgment relied upon by the learned Advocate for the respective parties, the learned Judge has held that the marriage between applicant No. 1 and non applicant was “solemnized” and therefore, dismissed the application as not maintainable. Being aggrieved by the same the applicant has preferred this Revision.

4. On perusal of the record it is evident that the learned Judge without granting an opportunity to the parties lead their evidence and without passing any order on the amendment application, straight way based on the pleadings and material on record, dismissed the application. In fact, it was incumbent upon the judge to pass an order on the application for amendment as well as ought to have grant an

opportunity to the parties to lead evidence in support of their case and defence, however, the learned Judge without granting an opportunity to the parties passed impugned order and therefore, I am of the view that the said order needs to be set aside and the learned Judge has granted opportunity to the parties to lead their evidence in support of their case and therefore, the matter is required to be remanded to the learned trial Court, as the learned Judge has not dealt the grievances of the parties and on its own merits by giving them opportunity. As such, I am of the view that it would be appropriate to quash and set aside the order of the learned Judge and remand the matter to the learned Family Court. As a result, the application is allowed. The impugned order dated 30.05.2023 is quashed and set aside. The matter is remanded back to the learned Principal Judge of the Family Court, Aurangabad. Needless to say that, the learned Judge shall decide the application filed by the applicant for permitting her to amend the application first and also grant an opportunity to lead evidence in support of her case.

5. The Criminal Revision Application is disposed of.

6. Inform the learned Principal Judge of the Family Court, Aurangabad, accordingly.

**( ABHAY J. MANTRI, J. )**