



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 232 OF 2024
WITH
CRIMINAL APPLICATION NO. 3488 OF 2024

Dipak S/o. Uttam Gulmohar,
Age : 39 years, Occu. : Business,
R/o. At Bibi, Tq. Lonar, Dist. Buldhana.

... Applicant
(Orig. Respondent)

Versus

1. Puja W/o. Dipak Gulmohar,
Age : 29 years, Occu. Household,
R/o. Bibi, Tq. Lonar, Dist. Buldhana,
At present Shivaji Nagar, Kranti Colony,
Beed, Tq. & Dist. Beed.

2. Srushti D/o. Dipak Gulmohar,
Age : 13 years, Occu. : Education,
U/g. of mother, Respondent No.1,
R/o. As Above.

... Respondents.
(Orig. Petitioners.)

.....
Mr. S. R. Andhale, Advocate for Applicant.
Mr. M.P. Gandle, Advocate for Respondent Nos.1 and 2.
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 DECEMBER 2025

PRONOUNCED ON : 08 DECEMBER 2025

ORDER :

1. In this revision, there is challenge to the judgment and order dated 04.06.2024 passed by learned Family Court, Beed in Petition No. E-79 of 2023 by which, learned trial Court has awarded maintenance to present respondents, on application under section 125 of Cr.P.C..

2. In nutshell, present respondent No.1 was married to present revision petitioner on 06.07.2010 and they have a girl child. Two years after the marriage, there was maltreatment and cruelty. She was driven out of the house with the child and since then she was constrained to reside with her parents. Therefore, on behalf of herself as well as the girl child, she set up a maintenance petition bearing Petition E. No. 79 of 2023 under section 125 of Cr.P.C. on 09.08.2023, seeking maintenance from husband on the premise that she had no sufficient means to maintain herself and her daughter, and that husband in spite of having sufficient means on account of having several shops, ancestral property and earning approximately Rs.15,000/- per month from JCB business, had neglected to maintain them. Hence, she sought maintenance.

3. On institution of above proceedings, learned trial court issued notice to the other side and finally as there was no appearance by revision petitioner, learned Family Court decided to proceed with the matter ex-parte.

4. Now, revision petitioner - husband has come up in revision questioning the above ex-parte order and setting up prayer for remanding the matter back to the trial court on the ground of no notice of proceedings to him.

5. Learned counsel for respondents would dispute the above contentions that there was no notice. The court called upon respondent no.1 to place on record document or remark of service to the husband. Accordingly respondent no.1 has passed on certified copy of notice issued by Family Court through Police Inspector, Lonar Police Station and on the reverse side of the summons, there is mere noting that, notice is served and there is stamp of police constable. However, the date on which service is effected, is not reflected in the service report. Here, husband has come up in revision precisely on the ground of no notice of service or summons at the hands of Family Court.

6. In the light of above, service though shown to be effected, but it being undated, prayers raised before this court for remand, are required to be granted. Hence, the following order is passed:

ORDER

I. The revision application is allowed.

II. The impugned judgment and order dated 04.06.2024 passed below Exh.14 by learned Family Court, Beed in Petition E-79 of 2023, is hereby set aside.

III. Matter is remanded back to the learned Family Court, Beed for fresh consideration by allowing both parties to adduce respective evidence and matter shall be dealt thereafter on merits.

IV. Parties shall appear before the learned Family Court, Beed 18.12.2025.

V. The Revision Application is accordingly disposed off.

VI Learned Family Court to make an endeavor to decide the petition preferably within a period of six months from the date of the receipt of this order.

VII. Criminal Application No.3488 of 2024 is also disposed off.

(ABHAY S. WAGHWASE, J.)