



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1027 CRIMINAL REVISION APPLICATION NO. 278 OF 2024

SAU RACHANA ROHAN GANDHI AND ANOTHER
VERSUS
ROHAN MAHENDRA GANDHI AND OTHERS

...
Advocate for Applicant : Mr. Mangesh G. Patil
APP for Respondent/State: Mr. A. A. A. Khan
Advocate for Respondents No.1 to 3 :
Mr. Mr. Niraj P. Chudiwal h/f. Mr. Jadhav Satej S.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06TH MAY, 2025

PER COURT:

1. Heard.
2. The present revision application challenges the order dated 07.11.2023 passed below Exhibit-5 in Criminal Miscellaneous 381 of 2023 by the learned Additional Sessions Judge, Jalgaon, filed under Section 29 of the DV Act. In the impugned order the learned Sessions Judge has modified the interim maintenance granted to the applicant to the extent of Clause 3, which reads as under:

“3] By impugned order appellant No.1 is directed to pay Rs.16,000/- per month to respondent No.1 and 2 towards interim maintenance. It is further directed that appellant No.1 should pay towards educational expenses of respondent No.2. It is pointed out that, order directed to educational expenses is vague in nature. No expenditure is specified and hence said order be stayed.

4] Considering the submissions clause 3 in operative part of impugned order is modified as under;

Clause 3] Opponent / appellant No.1 to bear education expenses of applicant No.2 / respondent No.2 to the extent of tuition fees till further order.

Issue notice to respondents why interim order passed, should not be confirmed till disposal of appeal, returnable on 24.11.2023.”

3. Clause 3 of the above order is modified and the the Opponent No.1 is directed to bear educational obligation of applicant No.2 until further orders.

4. The learned counsel appearing for the applicant submits that the modification ought not to have been done by an interim order. He also submits that even the interim impugned order has not been complied with.

5. Considering that the the matter is pending at an interim stage before the learned Additional Sessions Judge, there is no point keeping the present revision pending here. The parties are directed to appear before the learned Additional Sessions Judge in Criminal Miscellaneous Application No.381/2023. The Sessions Court to decide the pending appeal expeditiously and also considering the grievance of the applicant that even the modified order has not been complied and pass appropriate order thereon.

6. The learned counsel for the husband / respondent submits that he has scrupulously complying with the orders of the Sessions Court. The Sessions Court to examine this aspect of the matter also.

7. The learned Sessions Court to decide this pending criminal miscellaneous application within period of four (04) months from today.

8. In view of the direction of this court, the present Criminal Revision Application stands disposed of.

[ARUN R. PEDNEKER, J.]

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