



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

60 FAMILY COURT APPEAL NO. 56 OF 2024

s Shivaji Jawale

....Appellant

VERSUS

Sujata Vilas Jawale and Anr.

.....Respondents

.....

Mr. Savant Vilas P, Advocate for Appellant

Mr. Veer Chandramani N., Advocate for Respondents

.....

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 03.03.2025

PER COURT :

1. This Appeal is filed against the order dated 26/06/2023, passed by the Family Court, Aurangabad, in Petition No. C-09/2021.

The said order *ex-parte* reads as under :-

“1. The petition is partly allowed.

2. The respondent is directed to pay the amount of Rs.4,000/- p.m. towards maintenance for petitioner no.1 from the date of application i.e. from 09.04.2021.

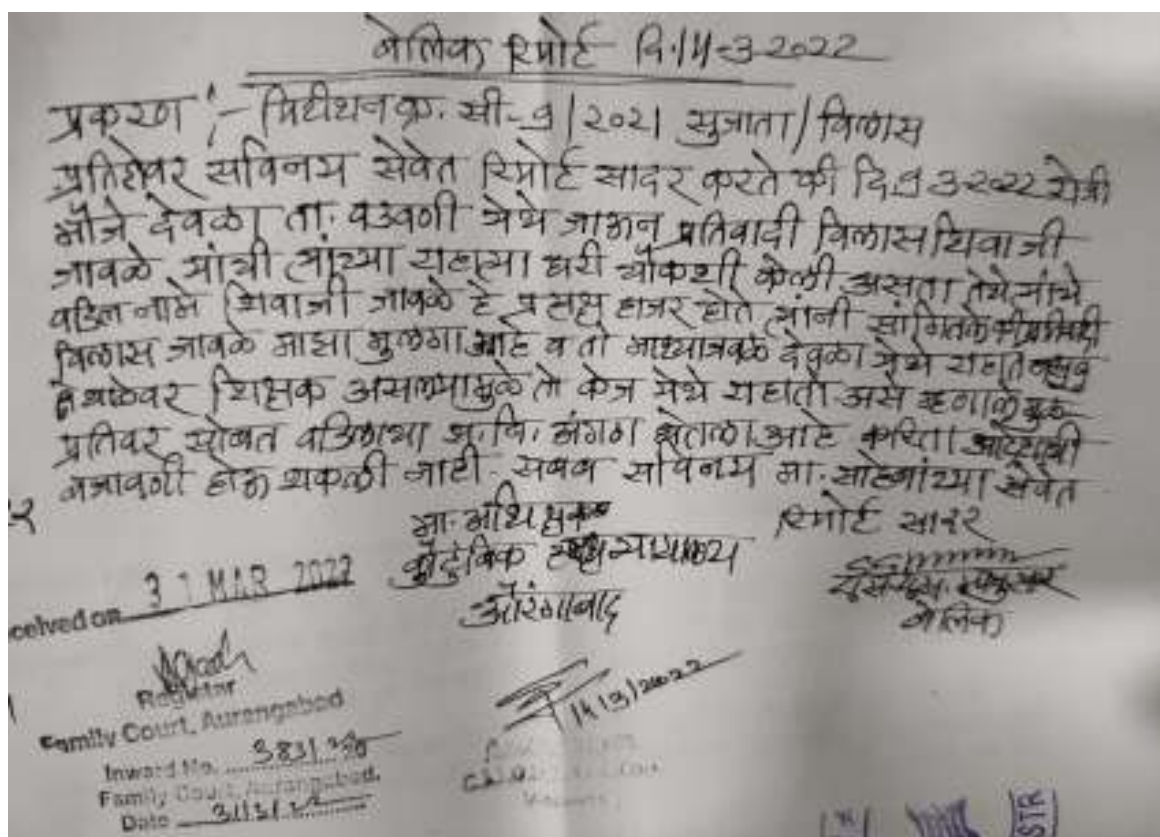
3. The respondent shall pay the amount of Rs.4,00,000/- to petitioner no.2 towards marriage expenses within three months from today i.e. from 26.06.2023.

4. The prayer regarding maintenance of petitioner no.2 is hereby rejected.

5. Draw decree accordingly.”

2. Heard the learned Advocate for the Appellant and the learned Advocate for the Respondents.

3. It is brought to our notice that, the notice / summon issued in the said proceedings by the Family Court was served on the Appellant's father, who was residing separately at different place. The Bailiff Report in that regard dated 14/03/2022 reads as under:-



4. There can be no two views on the aspect that, the aforesaid service is not the good service in the eye of law. Therefore, after hearing both the sides, we propose to quash and set aside the aforesaid impugned order and remand back the matter to the learned Family Court for considering afresh after giving full opportunity to both the sides.

5. Learned Advocate for the Appellant undertakes to withdraw the Writ Petition No.15500/2023, which he had filed against the order of attachment his salary.

6. In view of the above, we proceed to pass the following order :

ORDER

[I] The Appeal is allowed.

[II] The impugned order dated 26/06/2023 passed by the Family Court, Aurangabad, in Petition No.C-09/2021, is quashed and set aside.

[III] The matter is remanded back to the Family Court, Aurangabad for fresh consideration and decision after giving full opportunity to both the sides.

[IV] The Appellant shall pay Rs.3,000/- [Rupees Three Thousand] per month, which shall be treated as interim maintenance till the decision of the aforesaid proceedings by the Family Court.

[V] The Family Court shall make endeavour to decide the said proceedings within a period of eight [8] months after receipt of the order of this Court.

7. Needless to state that, all the points are kept open.

8. Appeal stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer/March-2025