



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

CRIMINAL WRIT PETITION NO. 1488 OF 2025
WITH
CRIMINAL WRIT PETITION NO. 1356 OF 2025

RAHUL VASANTRAO PATIL
VERSUS
KIRAN RAHUL PATIL

...
Advocate for Petitioner : Mr. Kailas B. Jadhav
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16-10-2025

PER COURT:-

1. Heard the learned counsel for the petitioner finally at the stage of admission.
2. By way of writ petition No.1356 of 2025, the petitioner has challenged order dated 08.09.2025 rendered by learned Judge, below Exhibit-53 in Petition No. E-448 of 2019, rejecting the application raising the issue of jurisdiction to entertain the application under Section 125 of the Code of Criminal Procedure ("Cr.P.C."), for maintenance.
3. Whereas, writ petition No.1488 of 2025, the petitioner has challenged order dated 10.10.2025 passed by learned Judge, Family Court, Jalgaon, below Exhibit-74 in Petition No. E-448 of 2019, rejecting the request to post the matter for final arguments after vacation.

4. In Petition No.E-448 of 2019, the petitioner/husband has filed written statement at Exhibit-17 on 22.02.2022. During pendency of proceedings, both parties filed a joint pursis Exhibit-43 for settlement, declaring their willingness to resume cohabitation. Accordingly, the learned Judge, Family Court, disposed of the petition as withdrawn, vide order dated 21.10.2023. Thus, both husband and wife resumed cohabitation and lived together peacefully.

5. Subsequently, the respondent/wife filed Civil Miscellaneous Application No.3 of 2024 seeking restoration of aforesaid petition on 13.03.2024. The learned Judge, Family Court allowed the application and restored the proceeding, vide order dated 16.01.2025. Wherein, by filing an application below Exhibit-53, the petitioner raised a preliminary objection on the issue of territorial jurisdiction under Section 126 of the Cr.P.C.

6. The learned Judge, Family Court, by order under challenge, overturned the objection holding that since Nagadevla, *vis-a-vis* Bhadgaon are within Judicial District of Jalgaon, the Family Court, therefore, has jurisdiction. Aggrieved by the same, the petitioner has filed the present petitions.

7. Learned counsel for the petitioner submits that Family Court has no territorial jurisdiction since the last place of resident of both husband and wife was at Jamner and not Jalgaon. The learned

counsel further submits that the learned Judge erred in holding that it was not open for the petitioner to raise objection of jurisdiction on account of delay. The issue of jurisdiction goes to the root of the matter and such objection can be raised at any stage. It is further submitted that the learned Judge, Family Court, has not even followed principles of natural justice while rejecting the application for adjournment, even after pointing out pendency of earlier criminal writ petition No.1356 of 2025 before this Court and in hasty and arbitrary manner fixed the matter for final arguments on 18.10.2025. Thus, an opportunity of hearing ought to have been conferred upon the petitioner before deciding the said matter.

8. Learned counsel further submits that the learned Judge, Family Court, has not complied the directions issued by this Court, in Family Court Appeal No.11 of 2025 requiring the application to be decided within eight months. As such, impugned orders deserve to be quashed and set aside. Hence, prayed to allow the petitions.

9. Having heard the learned counsel for the petitioner at length and considering the entire record, it appears that the learned Judge, Family Court, Jalgaon, has considered the facts and circumstances that the petitioner is attempting to prolong the proceeding. It is aptly recorded that for proving jurisdiction, the

petitioner has to bring relevant facts in evidence during the course of trial.

10. Moreover, the petitioner/husband has raised the objection to the issue of jurisdiction, in order to merely protract the matter to which time frame is provided by this Court. As such, no error is noted in the orders under challenge.

11. Resultantly, no case is made out warranting interference by this Court in the orders.

12. Accordingly, the criminal writ petitions are dismissed.

[SACHIN S. DESHMUKH]
JUDGE

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