IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CRIMINAL APPLICATION NO. 975 OF 2026
IN REVNST-2553-2026

Siddheswar Balaji Pawar
VERSUS
Manisha Siddhewar Pawar And Another
WITH
CRIMINAL REVISION APPLICATION (STAMP) NO. 2553 OF 2026

Siddheswar Balaji Pawar
VERSUS
Manisha Siddhewar Pawar And Another
...
Mr. H. P. Jadhav, Advocate for Applicant.
Mr. D. A. Mane h/f., Mr. N. G. Talekar, Advocate for Respondent Nos.1 and 2.

....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 07 OCTOBER, 2026

PC:

1. This application is for condonation of delay in filing Criminal Revision Application challenging the order dated 31 July 2025 passed in Petition No. E-11 of 2022.

2. Since, there is delay of 131 days, the same is hereby condoned. The Criminal Application is allowed.

3. The Criminal Revision Application is taken up for hearing today itself.

4. After hearing learned counsel for the parties for some time, the learned Family Court, vide its impugned order dated 31 July 2025, directed the applicant-husband to pay maintenance of Rs.10,000/- to the respondent-wife and Rs.6,000/- to the respondent-child. The said order is assailed on the ground that the applicant-husband was not granted an opportunity to cross-examine the respondent-wife.

5. Mr. Mane, learned counsel for respondent-wife, submits that the notice issued by the learned Family Court in Petition No.E-11 of 2022 was duly served upon the applicant, however, he has chosen not to appear before the learned Family Court. Therefore, the applicant-husband cannot now take benefit of his own absence. He further submits that as on date there are arrears of about Rs.6,50,000/- to be paid by the applicant-husband and he is not regularly paying the maintenance amount awarded by the learned Family Court.

6. Admittedly, the applicant-husband though served did not appear before the learned Family Court.

7. Mr. Jadhav, learned counsel for the applicant, submits that the income tax returns relied upon by the respondent-wife to contend that the applicant is earning more than Rs.50,000/- per month are for the year 2022-23. However, thereafter, he has suffered losses and as on date, he is

virtually jobless. He therefore submits that the instant application be allowed thereby quashing the impugned order passed by the learned Family Court.

8. As the applicant has not been provided an opportunity to cross-examine the respondent-wife, this Court is of the opinion that the said opportunity requires to be granted to the applicant. However, since as on date there are the arrears of about Rs.6,50,000/-, the applicant is directed to pay 50% amount of the said arrears, i.e.,3,25,000/-, and further to regularly pay the maintenance amount as directed by the learned Family Court.

9. Subject to deposit of the aforesaid amount in this Court, the matter is remitted back to the learned Family Court with a direction to grant an opportunity to the applicant-husband to cross-examine the respondent-wife. Hence, the impugned order is quashed and set aside. Hence, the following order:

ORDER

(i) The Applicant shall deposit an amount of Rs.3,25,000/- within a period of two weeks from today before this Court, and shall regularly pay the maintenance amount as granted by the learned Family Court.

(ii) If the amount as directed by this Court is not deposited within two weeks, the instant Criminal Revision Application shall stand dismissed without further reference to the Court.

(iii) The the instant Criminal Revision Application is disposed of.

10. Mr. Mane, submits that the applicant has already deposited an amount of Rs.50,000/- in this Court and the amount directed by this order, if deposited, be permitted to be withdrawn. The respondent-wife is permitted to withdraw the said amount.

11. The learned Family Court upon remitted back, shall, after granting an opportunity to the applicant-husband to cross-examine the respondent-wife, endeavour to dispose of the said matter within a period of three months.

(SUSHIL M. GHODESWAR, J.)