



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 263 OF 2025

Mangala W/o. Raju Devre,
Age: 57 years, Occu: Household,
R/o C/o Rajendra Pawar, C-4, 21/5, N-11,
Gajanan Nagar, Hudco, Aurangabad

...Applicant

Versus

Raju S/o Dhansing Devre,
Age: 61 years, Occu: Retired,
R/o Epic Residency, Kesnand Phata,
Wagholi, Pune Dist. Pune

...Respondent

- Mr. B. G. Lathe, Advocate for the Applicant
- Mr. Vikram Bhangе, Advocate for the Respondent

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : FEBRUARY 02, 2026
PRONOUNCED ON : FEBRUARY 04, 2026

ORDER :

1. Revisionist - Original Applicant, who is wife of present Respondent, hereby challenges order passed by learned Family Court, Aurangabad dated 19.04.2025 in Petition No. E-229/2022, which reads thus:

“This application is given in the afternoon session. The petitioner was absent in the morning session. When she came to know that her petition is dismissed in the morning session for want of steps she came in afternoon session. However she has not taken any effective steps since last more than 2 years. In such circumstances, it is

worthless to restore this petition on record. The record shows that petitioner is not taking any interest in finding correct address of respondent and merely kept on filing applications for reissuance of summons. In view of this conduct of petitioner, this application is rejected.”

2. According to Revision Petitioner, she is legally wedded wife of Respondent. That, due to matrimonial discord, she was constrained to live separately from husband and she was also not provided with basic needs like food and shelter and, therefore, she filed above proceedings seeking maintenance under 125 of Code of Criminal Procedure.

3. Learned Counsel for Revision Petitioner submits that, being neglected, she was entitled to receive maintenance. However, learned Family Court dismissed the application for want of persecution. He pointed out that, said order was passed in the morning and in the afternoon itself, application for restoration was pressed into service but the same was rejected. Therefore, as injustice is inflicted, in the interest of justice, impugned order is sought to be set aside.

4. Learned Counsel for Respondent would point out that, after 38 years of alleged marriage, claim petition has been filed. According to learned Counsel, there is no evidence at the first count in support of relations of parties to be husband and wife. That, there was utter failure to prosecute the matter for long and, therefore, learned Family Court committed no error in passing the impugned order and for above

reasons, Revision is also sought to be rejected.

5. Apparently, it seems to be the case of Revision Petitioner that, she was married to present respondent on 20.04.1984. As is seen from the Petition before Family Court under Section 125 Cr.P.C rights of maintenance are asserted for the first time in 2022. From the record, it seems that, after institution of above proceedings, notice to Respondent was issued on 06.10.2022. From order dated 19.05.2023, it is emerging that, file was transferred from second Court to first Court for disposal. On 19.04.2025, matter was called out time to time and when nobody appears for Revision Petitioner, learned Family Court seems to have perused the record and roznama and thereafter, passed impugned order stating that, two years have lapsed but applicant could not take steps to serve respondent and, therefore, Petition was dismissed for want of taking steps.

6. As pointed out, on the same day, Application Exhibit 22 seems to have been pressed into service for restoration of the application but learned Family Court rejected the said application on the ground that, applicant is not interested in finding correct address of the Respondent and has merely filed application.

7. Here, there is application for maintenance. Respondent

challenges the very relation and disputes the marriage itself. From the above order, it is abundantly clear that, in the morning session application has been dismissed for want of steps i.e. to serve Respondent husband, however, in spite of Application Exhibit 22 tendered in the afternoon session, same day it seems to be rejected.

8. The Revision Petitioner claims to wife of Respondent and it *prima facie* seems that, on account of her failure to take steps to serve the husband, above order seems to have been passed. Therefore, in the interest of justice, a chance deserves to be granted to prosecute the proceedings.

9. In view of above discussion, Criminal Revision Application is allowed in terms of prayer clause 'B'. The impugned order dated 19.04.2025 passed in Petition No. E-229/2022 is set aside, subject to Revision Petitioner tendering recent and correct address of the Respondent before the Family Court within a period of two weeks from date of receipt of copy of order of this Court. In failure thereof, learned Family Court would be at liberty to pass appropriate order.

(ABHAY S. WAGHWASE, J.)

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