



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

CRIMINAL REVISION APPLICATION NO. 350 OF 2025

Sumeet @ Ganesh Sanjay Gosavi
Age: 40 years, Occu.: Unemployed,
R/o. : 203, Agrasen Tower, CHS,
Kolbad Road, Near Pratap Talkies,
Khopat, Thane (West)

....Applicant
(Ori. Respondent)

Versus

- 1) Prerna Sumeet Gosavi
Age: 34 years, Occu.: Share Trading,
- 2) Kum.Grishma Sumeet Gosavi
Age : 5 years, Occu.: Education,
Minor through her mother,

Both R/o. : C/o Dilip Devidas Buva,
Plot No.46, Gut No.60,
Shiv-Shakti Apartment, Ground Floor,
Shiv Colony, Jalgaon,
Tq. and Dist.Jalgaon.

.....Respondents
(Ori. Petitioners)

.....

Advocate for Applicant : Mr. Avishkar S. Shelke
Advocate for Respondent no.1 : Mr. Akshay Gangabhushan, Mulange

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 12 FEBRUARY, 2026

PRONOUNCED ON : 16 FEBRUARY, 2026

ORDER :

1. Revisionist husband hereby takes exception to judgment and order dated 22-07-2025 passed by learned Judge, Family Court, Jalgaon, in Petition No.E-21 of 2024.

2. Learned counsel for the revision petitioner pointed out that, there is no dispute that revision petitioner and respondent no.1 are husband and wife. That, due to marital discord, wife left his company and they both are currently residing separately. That, wife instituted above proceedings by invoking Section 125 of the Code of Criminal Procedure and claimed maintenance. That, there is no dispute that notice was issued to him by learned Family Court, however, due to lack of communication between he and his counsel, proceedings before learned Family Court proceeded *ex-parte* against him. That, infact he has a good case on merits and that, to afford him opportunity to contest the matter on merits, he urges to remand the matter back to the learned Family Court for fresh trial, which he undertakes to diligently work out and that, even matter can be made time-bound.

3. The above application and prayer is opposed by learned counsel for respondent no.1 wife pointing out that, in spite of notice, there was no contest. Moreover, huge arrears have accumulated to the tune of Rs.14,00,000/-. He submits that, if at all matter is to be remanded to Family Court to afford opportunity to revision petitioner, revision petitioner be directed to deposit atleast half of the

arrears before the Family Court and he prays to make the matter time-bound.

4. After considering above submissions and on going through the papers, it appears that revision petitioner and respondent no.1 are married and they also have a female child. Levelling allegations of mal-treatment and after filing FIR under Sections 498A, 323, 504, 506, 510 read with 34 of the IPC, parties seem to have started residing separately and subsequently, wife seems to have instituted above proceedings before Family Court bearing Petition No.E-21 of 2024. Notice seems to have issued by learned Family Court, but in spite of service of notice, present revision petitioner failed to appear and therefore, matter was taken up *ex-parte* against him and on the strength of wife's testimony and evidence adduced by her parents, order was passed on 22-07-2025 awarding maintenance to both wife and daughter.

5. Admittedly, here, there is no contest by present revision petitioner in the Family Court. Revisions petitioner seems to be residing at Thane and wife seems to have instituted proceedings at Family Court at Jalgaon. Therefore, as submitted, possibility of miscommunication between revision petitioner and Advocate

engaged by him cannot be ruled out. Now, before this court, revision petitioner husband has undertaken to diligently work out the matter, if given a chance and that he has a good case on merits. Submission of learned counsel for respondent no.1 wife for depositing half of the arrears accumulated till date is also acceptable to the revision petitioner.

Therefore, to afford a fair opportunity, matter is required to be remanded to learned Judge, Family Court, Jalgaon, who shall afford an opportunity to revision petitioner herein to contest proceedings instituted by respondent no.1 wife and make endeavour to conclude the proceedings as early as possible. As stated above, the said contest and remand of the matter is subject to revision petitioner depositing Rs.7,00,000/- out of arrears of Rs.14,00,000/- before the learned Family Court within a period of three weeks from date of receipt of copy of this order and cause appearance on the date provided by learned Family Court. Accordingly, following order is passed :

ORDER

(I) The *ex-parte* Judgment and order dated 22-07-2025 passed by the learned Judge, Family Court, Jalgaon, in Petition No.E-21/2024 is hereby quashed and set aside.

(II) The matter is remanded back to the Family Court, Jalgaon, subject to revision petitioner depositing Rs.7,00,000/- out of arrears of Rs.14,00,000/- before the learned Family Court within a period of three weeks from date of receipt of copy of this order.

(III) Revision Petitioner is directed to deposit Rs.7,00,000/- out of arrears of Rs.14,00,000/- before the learned Family Court within a period of three weeks from date of receipt of copy of this order.

(IV) Parties to appear before the learned Judge, Family Court, Jalgaon on 05-03-2026.

(V) Learned Judge, Family Court, Jalgaon, shall afford opportunity to revision petitioner to contest the proceedings.

(VI) Learned Judge, Family Court, Jalgaon, shall make endeavour to conclude the proceedings as early as possible and preferably within six months from the date of receipt of the order.

(VII) Record and Proceedings be sent back to the Family Court, Jalgaon forthwith.

(VIII) Criminal Revision Application is disposed of in above terms.

(ABHAY S. WAGHWASE)
JUDGE