



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 66 OF 2026

JYOTIRAM BALIRAM RANDIVE
VERSUS
GITANJALI JYOTIRAM RANDIVE AND OTHERS

Advocate for the Petitioner : Mr. S. J. Salgare

Advocate for Respondents : Mr. Krishna P. Rodge h/f Mr. P. G. Rodge

CORAM : MEHROZ K. PATHAN, J.

Date : 20th April, 2026

ORDER :-

1. The petitioner has filed present petition thereby challenging the judgment and order dated 14.11.2025 passed by learned Additional Sessions Judge, Osmanabad in P.W.D.V. Appeal No. 01 of 2025 thereby confirming the judgment and order dated 04.12.2024 passed by the learned Jt. Civil Judge Senior Division, Osmanabad in P.W.D.V.A. No. 72 of 2019.

2. At the outset, the learned counsel for the Petitioner, Mr. Salgare, submits that in compliance with the interim order dated 19.01.2026, the Petitioner has deposited a lumpsum amount of Rs. 2,50,000/-. Furthermore, the Petitioner has been consistently paying the monthly maintenance of Rs. 4,000/- to the Respondent

No. 1 - wife as per the interim order dated 21.05.2025 of the First Appellate Court. It is submitted that the judgment and order passed by the learned Additional Chief Judicial Magistrate, Osmanabad, in P.W.D.V.A. No. 72 of 2019, was passed ex-parte. The Petitioner was unable to file a response or represent his case under the relevant provisions of the Protection of Women from Domestic Violence Act, 2005 (DV Act), due to circumstances beyond his control. This lack of representation resulted in the Trial Court allowing the maintenance application without the benefit of the Petitioner's defence.

3. The learned counsel further submits that, presently, the Petitioner is adhering to the order of the learned Appellate Court dated 21.05.2025, by regularly paying maintenance of Rs. 4,000/- per month. The Petitioner further tenders an undertaking to continue the regular payment of this monthly maintenance without fail, provided this Court quashes the impugned ex-parte judgment and remands the matter to afford the Petitioner a fair opportunity to lead evidence and contest the proceedings on merits.

4. The learned counsel for Respondent No. 1, Mr. Rodge, opposes the petition submitting that the Petitioner has failed to demonstrate any sufficient cause for his non-appearance in the

Domestic Violence (DV) proceedings. It is submitted that the learned Appellate Court rightly observed that the ex-parte nature of the Trial Court's order was a direct consequence of the Petitioner's own negligence and lack of diligence in contesting the matter. The Petitioner has not made out a valid case for this Court to exercise its extraordinary jurisdiction to interfere with the well-reasoned findings of the Appellate Court. The maintenance and compensation awarded by the learned Magistrate are just and reasonable. The present petition is an attempt to further delay the relief rightfully due to the wife. The petition is devoid of merit and is liable to be dismissed.

5. Taking into consideration the aforesaid submissions and the response placed on record by the learned counsel for the Petitioner, this Court notes the bona fide conduct of the Petitioner. It is a matter of record that the Petitioner has deposited a lumpsum amount of Rs. 2,50,000/- in compliance with the interim order dated 21.05.2025 passed by the learned First Appellate Court. Further, receipts placed on record demonstrate the regular payment of Rs. 4,000 per month as directed by this Court vide order dated 19.01.2026, in continuation of the Appellate Court's earlier directions.

6. In view of these facts, I am inclined to entertain the present writ petition. It is observed that the judgment and order passed by the learned Additional Chief Judicial Magistrate, granting maintenance to the Respondent-wife, was an ex-parte decree. Consequently, the original proceedings concluded without being contested on merits and without a full adjudication of the Petitioner's defence. To meet the ends of justice and ensure a fair trial, this Court finds it appropriate to grant the Petitioner an opportunity to present his case. Accordingly, the matter is remanded to the Trial Court for fresh adjudication on merits, subject to the Petitioner continuing to fulfill his financial obligations as undertaken. Hence, following order :-

ORDER

- (A) The impugned judgment and order dated 14.11.2025 passed by learned Additional Sessions Judge, Osmanabad in P.W.D.V. Appeal No. 01 of 2025 thereby confirming the judgment and order dated 04.12.2024 passed by the learned Jt. Civil Judge Senior Division, Osmanabad in P.W.D.V.A. No. 72 of 2019 is set aside.
- (B) The matter is hereby **remanded** to the Court of the learned Additional Chief Judicial Magistrate (ACJM), Osmanabad, for fresh adjudication on its own merits.
- (C) The parties are directed to **appear** before the learned ACJM, Osmanabad, on **04.05.2026**, without awaiting fresh notice.

- (D) The learned ACJM, Osmanabad, is requested to make an endeavour to decide the Domestic Violence (DV) proceedings expeditiously, after granting both the Petitioner-husband and Respondent-wife a fair opportunity of being heard. The proceedings shall preferably be concluded within a period of **six (6) months** from the date of the parties' appearance.
- (E) The Petitioner is directed to continue depositing the maintenance amount of **₹4,000/- per month** before the learned Trial Court. Any **single instance of default** or violation in depositing the said amount shall be viewed seriously and may adversely affect the Petitioner's standing in the remanded proceedings.
- (F) As a condition for the remand and to compensate for the delay, the Petitioner shall pay **costs of Rs. 25,000/-** directly to Respondent No. 1 (wife).
- (G) With the aforesaid directions, the criminal writ petition stands disposed of.

(MEHROZ K. PATHAN, J.)

Omkar Joshi