IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3227 OF 2026

Sangharsh Bhimrao Lanjewar ...Petitioner
Versus
Minal Sangharsh Lanjewar And Anr ...Respondents

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Mr. V.G. Bhamburkar i/b Ms. Surbhi Agrawal for the Petitioner.
Mr. Himanshu Mendhe for Respondent No.1.
Ms. M.R. Tidke, APP for Respondent No.2/State.

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SNEHA NITIN CHAVAN
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Date: 2026.10.01 19:48:11 +0530

CORAM : M.M. SATHAYE, J.
DATE : 1st OCTOBER, 2026

P.C. :

1. Heard learned Counsel for the parties. Perused the record.

2. By this petition, the husband is challenging the order dated 18.05.2026 passed by the Judge, Family Court, Raigad, Alibag in Petition E-No. 74/2023. By the said impugned order, the application filed by the Respondent No.1 wife under Section 125 of the Code of Criminal Procedure, 1973 ('CrPC' for short) is allowed thereby directing the Petitioner husband to pay maintenance @ Rs.35,000/- per month to Respondent No.1/wife from the date of filing such application (25.08.2023).

3. Learned Counsel for the Petitioner submitted that Respondent No.1/wife is not entitled to receive any maintenance under Section 125 of CrPC as she herself has willfully deserted the Petitioner and during pendency of the proceedings earlier when she was asked whether she is

willing to reside with the Petitioner husband, she had denied. He further submitted that Respondent No.1/wife had earlier filed a petition for restitution of conjugal rights, but withdrew it, and presently divorce petition is filed by Respondent No.1/wife which is pending. He further submitted that since the defence of Petitioner/husband was struck off, he could not effectively defend the application and therefore, opportunity needs to be granted in the interest of justice.

4. On the other hand, learned Counsel for the Respondent No.1/wife supported the impugned order contending *inter alia* that reasons for striking off defence was nothing but non-payment of interim maintenance and therefore the Petitioner has been consistent in default in payment of arrears. He further submitted that the divorce petition is filed on the ground of cruelty and the wife is not willfully staying away. He further submitted that there are other reasons also however, they are *sub-judice.*

5. I have considered the rival submissions and perused the record.

6. It is not disputed that the defence of the Petitioner/husband was struck off, which is duly recorded in paragraph 21 of the impugned order. It is also not disputed that the defence was struck off for non payment of interim maintenance. Therefore, looking at it from any angle, as on today, when the order under challenge is for payment of maintenance again, the challenge in the petition cannot be considered unless the Petitioner is subjected to terms in respect of payment of maintenance.

7. I have perused the impugned order and directions therein. Considering the amount and the period involved, as on today approximately an amount of Rs.12,95,000/- appears to be pending. This amount is not final and is only approximate.

8. Considering the rival submissions, since the divorce proceedings are pending on merits, this Court is refraining from commenting anything on merits, so as to avoid prejudice to other side. Suffice it to observe that the since impugned order is passed when the Petitioner could not examine himself nor produce any documentary evidence as his defence was struck off, in keeping with principles of natural justice, an opportunity deserves to be granted to the Petitioner/husband, albeit on condition.

9. Therefore, without expressing any opinion on the merits of the claim of maintenance by Respondent No.1/wife and also without expressing any opinion about the defence raised by the Petitioner/husband, the petition is disposed of by passing following order.

(i) Subject to Petitioner/husband depositing in the Family Court at Raigad, Alibag an amount of Rs.6,50,000/- within a period of 6 weeks from today, the impugned order dated 18.05.2026 shall be set aside and Petition E-No. 74/2023, shall stand restored to the file.

(ii) If the amount is so deposited, learned Judge of the Family Court shall decide the Petition E-No. 74/2023 in accordance with law and after giving opportunity to the Petitioner husband to lead evidence and cross-examine the witnesses of the Respondent No.1.

(iii) If the amount is so deposited, subject to Respondent No.1 wife filing an undertaking in the Family Court, Alibag that amount withdrawn shall be brought back to the Court with interest, if so directed by the Court, Respondent No.1 wife shall be at liberty to withdraw the said amount from the Court.

(iv) Withdrawn amount, if any, shall be subject to final outcome of the Petition E-No. 74/2023.

(v) It is clarified that if the amount is not deposited as stipulated above, then this order will not operate and the impugned order shall stand confirmed, without further reference to the Court.

(vi) Considering that the dispute is pending for long time, the learned Judge of Family Court is directed to decide the Petition E-No. 74/2023 expeditiously, preferably within a period of 9 months from receipt of this order. Parties are directed to co-operate with the concerned Family Court for early disposal.

10. **Writ petition is disposed of in the above terms**. No order as to costs. All concerned to act on duly authenticated or digitally signed QR verifiable copy of this order.

(M.M. SATHAYE, J.)