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901.appr.33.2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO.33 OF 2026
IN
CRIMINAL REVISION APPLICATION STAMP NO.1837 OF 2026

Yogesh s/o Khushal Gajapure
Vs.
Sau. Durga w/o Yogesh Gajapure and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. V. Pande, Advocate for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/02/2026

1. By challenging the order and judgment passed by the learned Family Court No.3, Nagpur dated 08.07.2025 in petition No. E-228/2024, by which the maintenance @ of Rs. 3000/- was granted to the non-applicant Nos.1 and 2 each and 5 % increase of the said amount.

2 Heard learned counsel for the applicant, who invited my attention towards the impugned judgment para No.12 and submitted that the finding is perverse. He further submitted that despite the applicant was present during the entire proceeding, the petition was decided *ex parte* and therefore, he is having every chance of success in the present revision application, but if the order is executed then

irreparable loss would be caused to the present applicant.

3. Issue notice to the non-applicants, returnable after three weeks.

4. The applicant is permitted to serve the non-applicants by all modes of service and shall file affidavit of service on record.

5. Considering the arrears as narrated by the present applicant against the present non-applicants are around Rs.60,000/-. Admittedly, the non-applicant No.1 has to incur the expenses towards the education of the child non-applicant No.2, therefore, she is indeed the amount towards his education as well as to fulfill the day-to-day needs. Learned counsel for the applicant submitted that the applicant is depositing the amount. However, the further execution proceeding is to be stayed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

(i) The execution of the order and judgment passed by the learned Family Court No.3, Nagpur dated 08.07.2025, is hereby stayed till appearance of the non-applicants, on condition that the applicant shall deposit Rs.30,000/- [Rs. Thirty Thousand] within two weeks and shall deposit Rs.3,000/- per month on or before 10th of every month.

(ii) On failure to comply with the order of payment of maintenance, the stay granted would be vacated automatically.

(URMILA JOSHI-PHALKE, J.)