

MHAH010016742024



Received on : 15/03/2024.

Registered on : 15/03/2024.

Decided on : 13/08/2026.

Duration : Ys. Ms. Ds.
02 04 28

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
AT - AHMEDNAGAR, DISTRICT – AHMEDNAGAR.

(Before: M.A Shinde, Addl. Sessions Judge)

Criminal Revision Application. No. 28/2024.

Exh. No. 17/A.

Nayna Gorakh Temgire, : **..Revision Petitioner**
Age – 33 years, occ – Household,
R/o. Wadner Bdk, Tal. Parner,
Dist. Ahmednagar.

V/s.

01. **Gorakh Jagannath Temgire,**
Age – 35 years, Occ – Agriculture,
02. **Jagannath Jaywant Temgire,**
Age – 60 years, Occ – Agriculture,
03. **Laxmibai Jagannath Temgire,**
Age – 58 years, Occ – Household,
All r/o. Danewadi, Post. Golegaon,
Tal. Shrigonda, Dist. Ahmednagar.
04. State of Maharashtra.

Opponents.

-: Appearance :-

Shri. Y.B. Patil, Ld. Advocate for Revision Petitioner.

Respondent No.1 – Exparte.

Shri. S.B. Gawali, Ld. Advocate for opponent No.2 and 3

Shri.M.P. Kulkarni, Ld. A. P. P. for opponent No.4.

J U D G M E N T

(Delivered on 13th August, 2026.)

1. The present Criminal Revision Application is moved by the original applicant in Criminal M.A. No. 130/2023, which is a recovery proceeding filed by her arising out of domestic violence proceeding bearing its No. Criminal M.A. No. 42/2019. In the domestic violence proceeding, the learned Judicial Magistrate (Court No.3), Parner, Dist. Ahmednagar, has partly allowed the petition and directed opponent No.1 to 3 not to cause any type of domestic violence against the applicant and also directed to pay maintenance of Rs. 2,000/- only to opponent No.1, husband of the applicant and also directed to pay Rs. 3,000/- per month towards monthly rent and compensation of Rs. 25,000/-.

2. Therefore, the applicant moved the recovery proceeding for recovery of said amount. Opponent No.2 and 3, the parents in law of the applicant, appeared in the matter and moved an application below Exh. 14 to delete their names from said execution proceeding. After giving an opportunity of hearing to both the parties, the learned Magistrate allowed the said application and deleted the names of opponent No.2 and 3 from the recovery proceeding. Therefore, being aggrieved and dissatisfied with the said findings, the applicant has preferred the present revision petition on the grounds, more precisely mentioned in the application.

3. The opponents appeared in the matter through learned counsel Shri. Gawali. However, they remained absent when called for repeatedly. Therefore, they are not available for arguments in the present revision application.

4. Heard learned counsel Shri.Yuvraj Patil for the applicant. Perused the record.

5. Following points arise for my determination and I have recorded my findings against them for the reasons given thereunder.

	Points		Findings
1.	Whether the applicant proves that the learned Magistrate has committed irregularity or mistake in passing the impugned order below Exh. 14 in Cri.M.A. No. 130/2023 dated 12.02.2024 ?	..	No.
2.	Whether any interference is required by this revision application in the impugned order passed by the learned Magistrate ?	..	No.
3.	What order ?	...	Revision is dismissed.

REASONS

As to Point Nos.1 and 2 :-

6. The learned counsel Shri.Yuvraj Patil assailed the impugned order, stating that the liability to pay arrears of maintenance is caused upon by the learned Magistrate in Cri.M.A. No. 42/2019, on all the opponents and therefore, the order of deleting opponent No.2 and 3 is contrary to the impugned order dated 10.04.2023 passed in Cri.M.A. No. 42/2019 and therefore, requested interference of this Court in the said impugned order with a prayer to quash and set aside the impugned order below Exh. 14 dated 12.02.2024 in Cri.M.A. No. 130/2023.

7. I have carefully gone through the copies of the proceeding placed before me. It is a matter of record that, Cri.M.A. No. 42/2019 is filed under the provisions of Protection of Women from Domestic Violence Act, 2005, came to be allowed on 10.04.2023. The operative order dated 10.04.2023 is reproduced for ready reference as under -

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ORDER

- 1) The application is partly allowed.
- 2) Opponent No.1 to 3 shall not cause any type of domestic violence to the applicant.
- 3) Opponent No.1 shall pay maintenance of Rs. 2,000/- (Rs. Two Thousand only) per month to each to the applicant and her son from the date of this application.
- 4) Opponent shall pay amount of Rs. 3,000/- (Rs. Three Thousand only) per month towards the rent to the applicant from the date of order.
- 5) Opponent shall pay compensation of Rs. 25,000/- (Rs. Twenty Five Thousand only) to the applicant.
- 6) The amount paid towards interim maintenance be adjusted in this order.
- 7) A copy of this judgment and order be given to the applicant and opponents free of cost"

8. From the perusal of the above order, it appears that, opponent No.1 to 3 have been directed not to cause any type of domestic violence against the applicant. Opponent No.1 is directed to pay maintenance of Rs. 2,000/- per month to the applicant. In clause No.4, it is directed to pay Rs. 3,000/- per month towards rent and in clause No.5, it is directed to pay compensation of Rs. 25,000/- to the applicant.

9. The learned counsel Shri.Yuvraj Patil pointed out that, so far as clause No.4 and 5 are concerned, learned Magistrate has not clarified name of opponent No.1. In fact, one opponent is mentioned in the clause No. 4 and 5 unlike clause No.3 where opponent No.1 is specifically directed to pay maintenance of Rs. 2,000/- per month.

10. On perusal of the answer to point No.4, the learned Magistrate has observed that as no provision is made for residence of the applicant, therefore, opponent No.1 is directed to pay rent of Rs. 3,000/- per month to the applicant and thus, clause No.4 is to be interpreted in view of the answer to point No.4, therefore, in clause No.4 though specifically opponent No.2 and 3 are not mentioned but it can be interpreted that this clause is related to opponent No.1 only as in clause No.2, the directions are given not to cause any type of domestic violence against the applicant to opponent No. 1 to 3, such type of wording is not repeated in clause No.4.

11. Similar observations are made by the learned Magistrate so far as clause No.5 is concerned. Said clause No.5 is to be read with

reference to answer to point No. 6 and 7, wherein the learned Magistrate has observed that taking into consideration the nature of domestic violence, coupled with the income of opponent No.1, it would be proper to grant compensation of Rs. 25,000/- to the applicant, therefore, these directions are also related to opponent No.1 only and thus, considering all these facts, the learned Magistrate in execution proceeding bearing No. Cri.M.A. No. 130/2023 passed the appropriate order below Exh. 14 and learned Magistrate has taken into account all these factual aspects in his order and passed the impugned order.

12. Thus, from the above discussion, I do not find any irregularity or error in the well reasoned order passed by the learned Magistrate, therefore, I answer point No.1 and 2 in the negative. In the result, following order is passed -

ORDER

1. The revision application is dismissed.
2. Inform Ld. Judicial Magistrate First Class (Court No.3), Parner by e-mail.

Date : 13.08.2026.

(M. A. Shinde)
Additional Sessions Judge,
Ahmednagar.