

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 1482 of 2019**

=====

RAJESH LAXMANDAS SUKHWANI

Versus

STATE OF GUJARAT

=====

Appearance:

MR ROMIL L KODEKAR(5127) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS. M.H. BHATT, APP for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE MR.JUSTICE B.N. KARIA****Date : 27/11/2019****ORAL ORDER**

1. The applicant has challenged the impugned judgment and order dated 09.10.2019 passed by learned Principal Judge, Family Court, Surendranagar in Criminal Misc. Application No.02 of 2019.

2. Heard learned advocate for the applicant.

3. Learned advocate for the applicant submits that the impugned order passed by the Family Court, Surendranagar is contrary to facts and evidence. He further submits that evidence of the respondent No.2- original applicant was completed on 10.09.2019 and thereafter it was kept for recording the evidence of the applicant on 17.09.2019. On account of some unavoidable circumstances applicant was unable to remain present on these two days. Learned Family Judge has closed the right to give evidence of the

present applicant on 24.09.2018 and thereafter matter was adjourned on 30.09.2018 and subsequently, judgment was delivered on 09.10.2019. That, no reasonable time was given to the present applicant to give his evidence. That, income of the present applicant was not at all considered by the learned Judge of the Family Court. However, applicant has shown his bonafides by depositing part amount of arrears i.e. Rs.40,000/- before the Family Court on 21st November 2019.

4. Issue requires consideration.

5. **Rule** returnable on 24.12.2019. Learned APP waives service of notice of rule for and on behalf of respondent-State.

6. Interim relief sought for in para 7(B) stands granted. The judgment and order dated 09.10.2019 passed by learned Principal Judge, Family Court, Surendranagar in Criminal Misc. Application No.02 of 2019 stands stayed till hearing and final disposal of the present revision application.

7. The applicant shall pay Rs.7,000/- per month to the respondent No.2 regularly.

Direct service is permitted.

(B.N. KARIA, J)

SUYASH