

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5265 OF 2014

**[Pramila w/o Madhav Yeshwant vs Madhav s/o Radhakishan Yeshwant
and anr.]**

IN

CRIMINAL REVISION APPLICATION NO. 143 OF 2014

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

Court's or Judge's orders

Shri A.V.Sakolkar, advocate h/f
Shri V.G.Sakolkar, advocate for the applicant
Shri U.S.Malte, advocate for respondent no.1
Shri V.D.Godbharle, A.P.P. for respondent no.2

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CORAM : V.M.DESHPANDE, J.

DATED : 21st January, 2015

PER COURT :-

1] By the present application, the applicant/original non-applicant is praying for withdrawal of the amount, which is deposited by the present non-applicant/husband in pursuance to the order passed by this court on 14.7.2014. Admittedly, the amount is deposited towards maintenance of the present applicant. The learned counsel for the husband strenuously urged before

me that the wife should not be allowed to withdraw the amount which is deposited by the husband in pursuance to the order passed by this court. The basic premise for his objection is that the applicant/wife is not entitled to claim maintenance.

2] Though the argument of the learned counsel for the applicant looks attractive at the first blush, however, it needs rejection for the simple reason that this court is not deciding the case finally. Family Court has granted maintenance in favour of the wife. The amount deposited is by way of maintenance. The wife is entitled for the maintenance.

3] In that view of the matter, Criminal application No. 5265 of 2014 is allowed. The applicant/wife is entitled to withdraw amount of Rs. Two Lacs deposited by the non-applicant/husband in pursuance to the order passed by this court. However, before withdrawing the said amount, the applicant/wife shall submit an undertaking duly affirmed by her that in the event she loses the litigation, she will have to refund the said amount.

4] Needless to mention, all the points raised by the husband in the reply to oppose the present

Criminal Application are kept open at the time of final hearing of the matter.

5] With this, the application is disposed of.

6] At this stage, learned counsel for the husband submitted for keeping the present order in abeyance for six weeks. Request rejected, in view of the fact that amount is for maintenance.

[V.M.DESHPANDE, J.]

dbm/crap5265.14