

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 49 OF 2015

Mohd. Usman Khan ... Applicant
vs.
The State of Maharashtra & Anr. ... Respondents

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Mr. Saurav Bhutala a/w. Nilesh Masurkar for the applicant.
Ms. Shabnam Kazi for respondent no.2.

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CORAM : M.S. SONAK, J.
DATE : 24th NOVEMBER, 2015.

P.C.:

1. The learned counsel for the parties state that this matter can be disposed of with the following agreed order.

ORDER

- a) The impugned order dated 25/03/2014 is set aside. However there shall be no obligation on the part of the respondents to refund the amount of Rs. 11,17,000/- or any other amount in terms of the order dated 25/03/2014.
- b) The Family Court at Bandra is directed to hear and dispose of the Petition no. E-320 of 2012 as expeditiously as possible and in any case within six months from today.
- c) The parties shall co operate in the matter in

expeditious disposal of the aforesaid petition. In case the petitioner unnecessarily delays the proceedings before the Family Court, the respondent herein shall be at liberty to apply to this Court for award of interim maintenance.

d) The petitioner agrees and undertake to pay the respondent total amount of Rs. 6,90,000/- during the pendency of the petition. The said amount shall be paid by way of 6 equal and monthly installment. The first installment of R. 1,15,000/- shall be paid on 27/11/2015. The balance installments shall be paid on or before 25th day of each month without fail.

e) The installments as aforesaid shall be paid by way of RTGS or NEFT. The respondent shall, up to 27/11/2015 furnish the details with regard to account which the amount has to be transferred.

f) In case for any reasons payment by RTGS or NEFT is not possible, petitioner shall pay the installment by way of demand draft to be posted by Registered (A.D.) well in advance. However the petitioner shall endeavour to make payment by RTGS or NEFT to the extent possible.

g) In case there is any default in the matter of

payment of installment as aforesaid, this petition shall be deemed to have been dismissed and the order dated 25/03/2014 shall revive.

h) All contentions of all parties are kept open to be decided by the Family Court. This Criminal Revision Application is disposed of in the aforesaid terms. All parties to act on the authenticated copy of the order.

2. Considering the reasonable attitude of the parties it was suggested to the parties to make an attempt to settle all their differences in an amicable manner. This matter is posted on 11/12/2015 at 03.00 pm on supplementary board only in order to explore the possibility of settlement

(M.S. SONAK, J.)