

Mr. Rajan S. Pawar for Petitioner.
Mr. Manoj J. Patil for Respondents No.1 and 2.
Mr. Rajesh More, APP for Respondent-State.

P.C. :

Heard Mr. Pawar, learned Counsel for petitioner, Mr. Patil, learned Counsel for respondents No.1 and 2 and Mr. More, learned APP for respondent-State.

2. By this Petition under Article 227 of the Constitution of India, petitioner-husband has challenged the judgment and order dated 20.01.2012 passed by the learned Judge, Family Court No.2, Mumbai in Petition No.E-321 of 2010. By that order, the learned Family Court partly allowed the Petition instituted by respondents No.1 and 2 and directed the petitioner to pay maintenance of Rs.3,000/- to the respondent No.1 and Rs.2,500/- to the respondent No.2 per month from the date of filing of the Petition i.e. 07.07.2010.

3. Mr. Pawar seeks permission to withdraw this Petition with liberty to file appropriate proceedings challenging the impugned order. Mr. Patil submits that the petitioner has not paid maintenance of even respondent No.2 son, who is aged about 7 years, till date.

4. In view thereof, on the motion made by Mr. Pawar, Petition is

allowed to be withdrawn with liberty as prayed for. Petitioner shall, without prejudice to the rights and contentions in the proposed proceedings, clear the maintenance qua respondent No.2-son before filing of the Revision Application. If petitioner files proceedings without paying the maintenance of respondent No.2, the concerned Court shall not proceed with the hearing unless petitioner first pays amount of maintenance qua respondent No.2. Petition is disposed of.

(R. G. KETKAR, J.)

Minal Parab