

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3412 OF 2013**

Kazim Ali Khan & Ors.

...Petitioners

Versus

Meha Anil Srivastava & Anr.

...Respondents

Mr. M. I. Pathan for the Petitioners

Mr. Shekhar Jagtap i/b J. Shekhar & Co. for the Respondent No.1

Ms. Rutuja Ambekar, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 10TH APRIL, 2015

P.C. :

1. Heard learned Counsel for the petitioners, the learned Counsel for the respondent No.1 and the leaned A.P.P for the respondent-State.
2. By this petition, the petitioners have challenged the order dated 19th January, 2012 passed by the learned Judicial Magistrate First Class, Pune, awarding maintenance of Rs. 20,000/- per month to the children of the respondent No.1. He submits that the said order was challenged by the petitioners herein in appeal, which also came to be dismissed vide order dated 19th August, 2013. Learned Counsel for the petitioners further submits that the evidence is concluded and the matter is posted for submission of the written arguments in the trial Court. According to him,

the petitioners have paid a sum of Rs. 11,13,645/- till date as maintenance, when in fact, the amount due and payable as awarded by the trial Court was Rs. 10 lakhs. He submits that an excess amount of Rs. 1,13,645/- has been paid by the petitioners to the respondent No.1's children.

3. Since the matter has come to the fag end in the trial Court, the trial Court while deciding the final maintenance amount, shall take the same into consideration.

4. It is made clear, that this Court has not considered any other issue raised by the petitioners in the present petition, except the excess amount which is allegedly paid by the petitioners to the respondent No.1.

5. Accordingly, the petition is disposed of with a direction to the trial Court to consider the submission of the petitioners that they have paid an excess amount of Rs. 1,13,645/- while deciding the matter finally.

6. Application is accordingly disposed of in the aforesaid terms.

7. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.