

Application No. 170 of 2014. By these orders, the Courts below directed the petitioner to pay Rs.3,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2 as interim maintenance.

3. Mr.Pathak submitted that as per the order dated 05/03/2015, petitioner has deposited entire arrears of Rs.45,000/- in this Court as on that date. He further states that petitioner is present in the Court. Upon taking instructions from the petitioner, he states that the impugned order of the learned Magistrate may be treated as ad-interim order as the petitioner was not given opportunity to file reply opposing the application. After the order of the learned Magistrate was passed, on the very next date, petitioner has filed reply. He further states that arrears of maintenance as on 31/08/2015 is Rs.25,000/- approximately and next date of hearing before the learned Magistrate is 25/09/2015. He assures that before next date of hearing, he will clear arrears of maintenance.

4. In view thereof, by consent of the parties, Writ Petition is disposed of in the following terms.

- i) The impugned orders i.e. order dated 09/04/2014 passed by the learned Judicial Magistrate, First Class at Javhar below Exhibit 3 in Criminal Misc. Application No. 12 of 2014 as also the judgment and order dated 30/09/2014 passed by the learned Additional Sessions Judge, Thane in Criminal Revision Application No. 170 of 2014 are quashed and set aside.

- ii) The petitioner shall, as and by way of ad-interim order, pay maintenance of Rs.3,000/- per month to the first respondent and Rs.2,000/- per month to the second respondent.
- iii) As the matter is fixed by the learned Magistrate on 25/09/2015, parties agree that they will appear before the learned Magistrate on that date and for that purpose, fresh notice need not be issued to them.
- iv) The learned Magistrate is requested to decide the application Exhibit 3 afresh within 2 weeks from the date of the appearance of the parties uninfluenced by the observations made in the impugned orders and in this order.
- v) All the contentions of the parties on merits are expressly kept open.

5. Rule is made absolute in the aforesaid terms.

(R. G. KETKAR, J.)