

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Criminal Application (APPW) No. 102 of 2015

in

Criminal Writ Petition No. 439 of 2015

(Avinash s/o Kisan Nandgave Vs. Smt. Sushma w/o Avinash Nandgave and anr.)

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

Court's or Judge's order

Ms. Kirti Satpute, Advocate for petitioner
Shri M. I. Mourya, Advocate for respondents/applicants

CORAM : P. B. VARALE, J.

DATE : 31-7-2015.

This is an application filed at the instance of the applicants i.e. respondents in Writ Petition No. 439/2015 for withdrawal of the amount. Non-applicant i.e. petitioner was directed by this Court to deposit an amount of Rs. 1,00,000/- by order dated 19-6-2015 while issuing notice. The learned counsel for the applicants submits that the petitioner deposited an amount of Rs. 1,00,000/- in compliance of the order dated 19-6-2015. Learned counsel Shri Mourya submits that as the applicants are facing financial constraints and more particularly, respondent no. 2, minor child, is prosecuting her education and the respondent no. 1 has to make arrangement providing funds for education and daily needs, the respondents be permitted to withdraw the amount.

Learned counsel Ms. Satpute for the petitioner submits that as the controversy revolves around maintenance awarded by the lower Court at higher

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side and being exorbitant, the applicants/respondents may not be permitted to withdraw the amount.

Considering the submissions of learned counsel appearing for the parties, in my opinion, ends of justice would be met by permitting the respondents/applicants to withdraw part amount. The petitioner has deposited an amount of Rs. 1,00,000/- in this Court. If part amount is permitted to withdraw, it would be helpful for the respondents so as to make necessary arrangement for the daily needs and the education expenses of the respondent no. 2. The applicants i.e. respondents are permitted to withdraw an amount of Rs. 25,000/- keeping the rival contentions of the rival parties open.

The application is disposed of in above terms.

JUDGE

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