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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.41 OF 2016

Ravindra s/o Ramrao Musale,
Age: 35 years, Occ: Service,
R/o Sambhajinagar, Nanded. ..APPLICANT

VERSUS

Deepali w/o Ravindra Musale,
Age: 24 years, Occ: Household,
R/o. C/o Venkatrao Bhujangrao
Kendre, Avani Plaza Wing No.2,
Nilgiri Society, Deogirinagar,
Taroda Kd., Nanded. ..RESPONDENT

Mr V.D. Patnoorkar, Advocate for applicant;
Mr J.M. Murkute, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th OCTOBER, 2016

ORAL ORDER :

Mr. Murkute, learned Counsel for the respondent, upon instructions, consents for quashing the order dated 21st December, 2015 passed by learned Judge, Family Court, Nanded in Petition No. E-38 of 2015 under Section 125 of the Code of Criminal Procedure, directing the present applicant-husband to pay maintenance of Rs.35,000/-

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per month to respondent-wife, on the condition that the present applicant-husband should deposit the entire arrears before learned Family Court, Nanded and respondent-wife be permitted to withdraw 50% amount thereof.

2. The submissions appear to be reasonable one. The proposal is accepted by learned Counsel for the applicant. In view thereof, I pass the following order :-

: O R D E R :

(a) The order impugned dated 21st December, 2015 passed by learned Judge, Family Court, Nanded in exercise of powers under Section 125 of the Code of Criminal Procedure is hereby set aside on the ground that the present applicant was not properly served.

(b) The applicant agrees and assures this Court that he shall appear before the Family Court, Nanded in Petition No. E-38 of 2015 pending on the

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file of Family Court, Nanded on 7th November, 2016 for hearing.

(c) He shall deposit the entire amount of arrears as ordered by learned Family Court, Nanded vide judgment dated 21st December, 2015 and present respondent-wife will be entitled to withdraw 50% amount thereof.

(d) The balance amount shall be dealt with by learned Family Court, Nanded in accordance with final order to be passed under Section 125 of the Code of Criminal Procedure.

3. With the above observations, criminal revision application stands disposed of.

(N.W. SAMBRE, J.)

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