

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

916 CIVIL APPLICATION NO. 3762 OF 2016
IN SAST/8380/2016 WITH CA/3763/2016 IN SAST/8380/2016
WITH CA/3765/2016 IN SAST/8376/2016

SUDARSHAN BABURAO KHANDE
VERSUS
SAU. INDUMATI SUDARSHAN KHANDE

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Advocate for Applicants : Usmanpurkar Aniruddha S.

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917 CIVIL APPLICATION NO. 3764 OF 2016
IN SAST/8376/2016 WITH CA/3763/2016 IN SAST/8380/2016
WITH CA/3765/2016 IN SAST/8376/2016

SUDARSHAN BABURAO KHANDE
VERSUS
SAU. INDUMATI SUDARSHAN KHANDE

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Advocate for Applicants : Usmanpurkar Aniruddha S.

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CORAM : T.V. NALAWADE, J.
DATED : 22nd March, 2016.

ORDER :

1. Notice in all civil applications, made returnable on 20.6.2016. Call record and proceedings.
2. Civil Application No. 3763/2016 is filed for stay to the execution of decree of maintenance given by the First Appellate Court. Heard the learned counsel. Seen the record. It appears that in a proceeding filed under section 125 of Criminal

Procedure Code, maintenance at the rate of 3,000/- p.m. is granted from 22.7.2009. Maintenance is granted by the Civil Court, Appellate Court at the rate of 3,500/- p.m. from 12.10.2015. In view of provisions under sections 125 and 127 of Cr.P.C., this Court holds that the present appellant needs to pay amount of Rs. 3,000/- p.m. till 12.10.2015 and after that he needs to pay the maintenance at the rate of Rs. 3,500/- p.m. In those terms, the stay is granted to the execution of the decree and application is disposed of. It is made clear that there is no need to pay separate maintenance in a proceeding filed u/s. 125 of Cr.P.C.

3. In view of the order made in Civil Application No. 3763/2016, in the same terms Civil Application No. 3765/2016 is disposed of. Only one order is to be executed in aforesaid manner at present by the wife.

[T.V. NALAWADE, J.]

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