

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

CRIMINAL WRIT PETITION NO. 1104 OF 2016

Shaikh Noor Abdul Mirza Patel & Ors. .. Petitioners

Versus

Parvin Begum Jameer Patel & ors. .. Respondents

Mr.V.S. Undre, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.

DATED : 22.11.2016

P.C. :-

. After arguing for some time, learned advocate for the petitioners, on instructions, seeks permission to withdraw the petition. However, it is prayed that the petitioners be granted time of two months to pay the amount of arrears of maintenance to the respondents. It is submitted that the petitioners will pay the amount of monthly maintenance as directed by the subordinate Court regularly without any default.

02. Considering the facts of the case and the undertaking given on behalf of the petitioners as recorded above, following order is passed :-

- (i) The petition is dismissed.
- (ii) The petitioners shall deposit 50% of the amount of arrears of maintenance before the Sessions Court till 20th December, 2016.
- (iii) The balance 50% amount of arrears should be deposited by the petitioners before the Sessions Court till 20th January, 2017.
- (iv) On deposit of the above amount, the same be given to the respondent No.1-Parveen Begum for herself and for respondent Nos.2 & 3.
- (v) The petitioners shall continue to pay the amount of monthly maintenance as directed by the Sessions Court regularly till 5th of every month starting from December, 2016 until further orders are passed by the Sessions Court in the matter.
- (vi) In case, the petitioner fails to comply any of the above condition, the protection granted by this Court shall stand vacated and the respondent Nos.1 to 3 will be at liberty to proceed with the execution and Sessions Court will be at liberty to pass appropriate orders in the matter.

. As the above order will not substantially affect the rights of the respondents, this order is passed without issuing notice to the respondents.

. The petition is disposed in above terms. No costs.

[Z.A. HAQ,J.]