

(1)

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

CRIMINAL APPLICATION NO.5907 OF 2016

Balasaheb s/o Nandu Kale

..APPLICANT

VERSUS

Sonali w/o Balasaheb Kale & anr.

..RESPONDENTS

Mr S.A. Gaikwad, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 25th October, 2016

ORAL ORDER :

Mr Gaikwad, learned Counsel appearing on behalf of the applicant submits that against the order of maintenance passed under section 125 of the Code of Criminal Procedure passed by the Family Court, Aurangabad, on 16th July, 2016, in Petition No.E-22 of 2015, the applicant has deposited an amount of Rs.1,34,000/- in this court. According to him, though there is a decree for restitution of conjugal rights, the respondent has not honoured the same and has filed execution petition for recovery of the maintenance amount.

2. As the applicant has shown *bona fides* by depositing an amount of Rs.1,34,000/-, there shall be stay to the execution, on the condition that on or before 10th day of every month the applicant shall continue to deposit the amount of monthly maintenance as ordered by the Family Court. Two consecutive defaults in deposit of maintenance amount shall result in vacation of the stay.

(2)

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj