

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6724 OF 2015
IN
CRIMINAL WRIT PETITION NO.1159 OF 2015

CHITRABAI D/O BAJIRAO SHEJWAL	APPLICANT
VERSUS	
VISHNU HARIBHAU TUPE	RESPONDENT

Ms.Shilpa G.Jahagirdar, Advocate for the applicant.
Mr.P.K.Lakhotiya, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 24/06/2016

PER COURT :

1. By this application, the applicant seeks leave to withdraw Rs.50,000/- which have been deposited by the non-applicant in this Court under the orders of the Court.
2. Issue in the petition is as regards whether after the grant of permanent alimony, the applicant would be entitled for monthly maintenance allowance u/s 125 of the Cr.P.C. which is granted prior to the Divorce Decree.
3. The writ petition is pending adjudication.
4. Mr.Lakhotiya, learned Advocate for the non-applicant has

strenuously opposed this application on the ground that the applicant is not entitled for any amount. The non applicant has a good case on merits and he is likely to succeed in his petition. If the amount is permitted to be withdrawn, it would be difficult for the non applicant to recover the said amount.

5. Heard the submissions of the learned advocates for the respective parties. The amount directed to be deposited by this Court was after prima-facie finding that the non-applicant petitioner is in arrears.

6. Learned Advocates for the respective sides submit that since a short issue is involved in this petition, they are willing to work out this petition at the admission stage on the next date.

7. Considering the above, this application is partly allowed. The applicant/original respondent is permitted to withdraw an amount of Rs.30,000/- by submitting an affidavit / undertaking within 2 (two) weeks from today. The affidavit shall contain a statement of the applicant that in the event she fails in the pending petition and is required to return part of or the whole of the amount so withdrawn, she would re-deposit the excess amount in this Court within 3

months from the decision in the petition.

8. The affidavit/undertaking shall be accompanied by the attested copy of the applicant's election ID card or PAN card or the Aadhar Card.

9. The criminal writ petition be listed for hearing at admission stage on 15/07/2016 by consent of the parties.

(RAVINDRA V. GHUGE, J.)