

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1679 OF 2015

Mrs.Mangala Ashish Waghe .Petitioner

Vs.

Mr.Ashish Ramesh Waghe & ors. .Respondents

WITH

WRIT PETITION NO.2424 OF 2016

Mr.Ashish Ramesh Waghe .Petitioner

Vs.

The State of Maharashtra & anr. .Respondents

Mrs.Mangala Waghe, Petitioner-in-person present
Mr. Ashish Waghe, Respondent No.1-in-person present

Mr.Murtuja M. Nazmi, Appointed Advocate, for the
Respondent No.1 – Mr.Ashish Waghe
Ms Anamika Malhotra, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.09.2016

P.C.

. Heard Mrs.Mangala Waghe - Petitioner,
who appears in person and the learned appointed
Advocate, who appears on behalf of Mr.Ashish
Waghe – Respondent No.1.

2. All the aforesaid Petitions are being disposed of by a common order without going into the merits of either of the aforesaid Petitions.

3. Mr.Ashish Waghe without prejudice to his rights & contentions is ready to pay the Respondent No.2 – Raj Ashish Waghe, aged 5 years a sum of Rs.5,000/- per month from September, 2016 till the disposal of the proceedings, being C.C.No.191/SS/2014 pending before the Addl. Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai. Mrs.Mangala Waghe states that she is entitled for enhancement of the maintenance amount, however, for the time being, she is also ready to accept Rs.3,000/- per month, without prejudice to her rights & contentions, with regard to the inadequacy of the maintenance amount granted by the trial Court and confirmed by the Sessions Court, till the disposal of the C.C.No.191/SS/2014.

4. Accordingly, the following order is passed without prejudice to the rights and contentions of either of the parties; only by way of interim arrangement till the disposal of C.C.No.191/SS/2014.

O R D E R

(i) The Respondent No.1 to pay maintenance of Rs.5,000/- to the Respondent No.2 from September, 2016 and to continue paying Rs.3,000/- per month to Mrs.Mangala Waghe till completion of the case, being C.C.No.191/SS/2014. The said amount to be paid by the Respondent No.1 to the Petitioner – wife and Respondent – child, is without prejudice to his rights and contentions. The said amounts are also accepted by Mrs.Mangala Waghe and Respondent No.2, without prejudice to their rights & contentions to seek enhancement of the amount, in the proceedings. All contentions of all the parties are kept open;

(ii) The learned Magistrate before whom the aforesaid proceeding is pending, is directed to dispose of the said proceeding as expeditiously as possible and preferably within three months, from the date of receipt of this order;

(iii) Both, Mrs.Mangala Waghe and Mr.Ashish Waghe to file their respective undertaking before the trial Court, that they and their Advocates, if any, will co-operate in the conduct of the trial and will not seek any adjournment, unless exigencies so demand;

(iv) As far as, the amount awarded by the learned Addl. Chief Metropolitan Magistrate vide order dated 26.05.2014 asking Mr.Ashish Waghe to deposit Rs.15,000/-, for taking admission of their child in a School is concerned, the said amount has already been deposited by him in the trial Court. The said amount is independent of the amount passed today, directing Mr.Ashish Waghe to pay as per Clause(i) by way of an interim arrangement, till the case is finally

decided;

(v) As far as arrears of maintenance are concerned, Mrs.Mangala Waghe is at liberty to file an Execution Application seeking arrears of maintenance which according to her is Rs.60,000/-. Learned counsel for the Respondent No.1 – Mr.Ashish Waghe states that there are no arrears pending. The trial Court to consider the said Application, if filed, whether there are any arrears of maintenance, due and payable to Mrs.Mangala Waghe and Respondent No.2, and accordingly pass appropriate orders on the said Application, after hearing the parties.

5. All the Petitions are disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)