

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.258 OF 2015

Shri Nitin Vijay Jadhav.] ... Petitioner

Versus

1. Mrs. Kavita Nitin Jadhav,]
 2. Kum. Vaishnavi Nitin Jadhav,]
 3. State of Maharashtra.] ... Respondents

Ms. Rimpal Trivedi for Petitioner.

Mr. Girish R. Agrawal for Respondent No.1.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 22, 2016

P. C. :-

This Criminal Revision Application is disposed of with the following agreed order. It is made clear that the parties have recorded this agreement without prejudice to their respective rights and contentions.

- (a) Without going into the merits, the impugned order dated 11/02/2015 is hereby set aside and the matter is remanded to the Family Court at Nashik for re-hearing the arguments and thereafter making the appropriate order in accordance with law.

- (b) The Family Court shall therefore afford opportunity of hearing to both the petitioner as well as the respondents or their respective Counsel, take into consideration the evidence already on record and thereafter make appropriate order in accordance with law for final disposal of Petition No.E-228 of 2012.
- (c) The Family Court is directed to dispose of the aforesaid petition as expeditiously as possible and in any case, within a period of two months from the date of production of authenticated copy of this order.
- (d) The parties to appear before the Family Court at Nashik on 16/02/2016.
- (e) Until the final disposal of the petition, the petitioner shall continue to pay maintenance to the respondent no.1 at the rate of Rs.15,000/-. However, this payment shall be regarded as interim maintenance. Further, this payment shall be without prejudice to the rights and contentions of both the parties.
- (f) According to the petitioner, the interim arrears of maintenance up to February 2016 have been cleared. However, according to the respondent no.1, the amount of approximately Rs.62,000/- is still due and payable. Therefore, the Family Court to look into this dispute, before the matter is finally heard and determine whether any amount is indeed due and payable by the petitioner to the respondent no.1 in terms of the order dated

11/02/2015. If, the Family Court comes to the conclusion that some amount is due, then the Family Court shall ensure that such amount is indeed paid by the petitioner to the respondent no.1, before the petitioner is granted any hearing in the petition. The obligation to continue to pay interim maintenance at the rate of Rs.15,000/- shall continue until the final disposal of Petition No.E-228 of 2012.

- (g) The aforesaid arrangement is without prejudice to the rights and contentions of the parties. Therefore, all contentions of all parties are left open to be decided and determined by the Family Court at Nashik.
- (h) This petition is disposed of in the aforesaid terms.
- (i) All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)