

Anand

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

WRIT PETITION NO.4570 OF 2015

Mr. Satishchandra Purshottam Kale .Petitioners
& anr.

Vs.

Mrs. Anjusha Satishchandra Kale .Respondents
& anr.

Mr.S.P.Kadam i/b. Mr.V.S.Kapse with
Mr.Y.Pawaskar, Advocate, for the Petitioners
Mrs.Anjusha Kale, Respondent No.1-in-person
present
Mr.V.V.Gangurde, APP, for the Respondent No.2 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.10.2016

P.C.

. Learned counsel for the Petitioner No.1
seeks leave to withdraw this Petition, as this
Court is inclined to expedite the proceedings,
which are pending before the trial Court, on
certain terms and conditions and without
prejudice to the rights and contentions of both
the parties in the trial Court.

2. Learned counsel for the Petitioner No.1 states that the Petitioner No.1 is in arrears of approximate Rs.10,69,000/- till date. The Respondent No.1, who appears in person disputes the said amount. She submits that the Petitioner No.1 is in arrears of about Rs.19,00,000/-.

3. Be that as it may. The Petitioner No.1 has undertaken to deposit a sum of Rs.10,69,000/- in the trial Court in two instalments. Learned counsel for the Petitioner No.1 has tendered an undertaking of the Petitioner No.1 – Dr.Satishchandra Kale. The said undertaking is taken on record and marked as "X" for identification. In the said undertaking, the Petitioner No.1 has undertaken to deposit a sum of Rs.5,00,000/- in the trial Court within three weeks from today and the balance sum of Rs.5,69,000/- within four weeks thereafter. The Petitioner No.1 has also undertaken to this Court to co-operate with the

proceedings, which are pending in the trial Court. Learned counsel for the Petitioner No.1 on the instructions of the Petitioner No.1, who is present in Court also states that the Petitioner No.1 will continue to pay maintenance of Rs.1,25,000/- in the first week of every month, starting November, 2016, without prejudice to his rights and contentions in the trial Court. The said statement is accepted.

4. The Respondent No.1, who appears in person has also tendered an undertaking stating therein, that she is ready to co-operate in the conduct of the trial. The said undertaking is taken on record and marked as "Y" for identification. She states that she will not seek any adjournment and will co-operate with the trial Court in disposing of the case as expeditiously as possible.

5. Accordingly, the Petition is disposed of as withdrawn on the following terms & conditions :-

(i) The Petitioner No.1 shall deposit a sum of Rs.5,00,000/- in the trial Court within three weeks from today and the balance sum of Rs.5,69,000/- within four weeks thereafter;

(ii) The Respondent No.1 is permitted to withdraw the said amounts as and when the same are deposited by the Petitioner No.1;

(iii) The Petitioner No.1 shall deposit a sum of Rs.1,25,000/- in the first week of every month, commencing November, 2016 till completion of the trial;

(iv) The Respondent No.1 is permitted to withdraw the said amount so deposited by the Petitioner No.1 every month;

(v) The proceedings before the trial Court are expedited. The trial Court shall conclude the case as expeditiously as possible and in any event, within six months from 15.11.2016;

(vi) The Respondent No.1 is at liberty to file an Application for arrears of maintenance, if any, which will be decided by the trial Court on its own merits;

(vii) The Respondent No.1 to co-operate with the trial Court, irrespective of the said Application, if filed by her, before the trial Court seeking arrears of maintenance.

6. The Petition is disposed of on the aforesaid terms.

7. The Respondent No.1 to comply with the orders of the Family Court with regard to access of the children to the Petitioner No.1. The said order directing the Petitioner No.1 to make payments, is without prejudice to his rights and contentions in the trial Court.

All contentions of both the parties are kept open.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)