

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

910 CRIMINAL APPLICATION NO. 3278 OF 2017  
IN  
CRIMINAL REVISION APPLICATION NO.201 OF 2016

BALASAHEB S/O. NANDU KALE

..Applicant

VERSUS

SONALI W/O. BALASAHEB KALE AND ANR

..Respondents

...

Advocate for Applicant : Shri. S.A. Gaikwad  
Advocate for Respondents No.1 & 2: Shri. S.V. Hange

...

CORAM : PR. BORA, J.  
DATE : AUGUST 31, 2017

**PER COURT :**

1. In the present matter, on 25<sup>th</sup> October, 2016 the following order is passed.

*“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.”*

2. The learned Counsel for the applicant submits that, due to unavoidable circumstances, the applicant could not deposit the amount as was directed by this Court and in such circumstances, the stay granted by this Court for execution of the order passed by the Family Court stood automatically vacated. The learned Counsel further submits that, the Family Court has issued a warrant for recovery of the amount of Rs.49,000/- against which the applicant has already deposited a sum of Rs.25,000/-. The learned Counsel for the applicant submits that, the applicant undertakes to deposit a further sum of Rs.50,000/- within next two weeks. The learned Counsel has therefore prayed for continuation of the order of stay for execution of the order passed by the Family Court. The learned Counsel for the respondent submits that, the arrears of approximately Rs.90,000/- are yet to be recovered from the applicant. The learned Counsel for the respondent prayed for the direction to the applicant to deposit the said amount.

3. After having considered the submissions made by the learned Counsel, I deem it appropriate to pass the following order.

ORDER

1. The applicant shall, as has been undertaken by him, deposit further sum of Rs.50,000/- in this Court and shall further continue to deposit the monthly maintenance as has been awarded by the Family Court and as was directed by this Court vide order passed on 25<sup>th</sup> October, 2016. On such deposit, the execution of the order passed by the Family Court, Aurangabad in Petition No. E-22/2015 shall stand stayed until further orders.

( PR. BORA, J. )