

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.156 OF 2017

Mr. Rajesh Jagannath ShirkePetitioner
Vs.
Mrs. Manasi Chandrashekhar Salunkhe & Ors.Respondents

Mr. Vinay M. Bhate for the petitioner.
Mr. Rajesh Devgharkar for respondent No.1.

CORAM : K.K. TATED, J.

DATE : 12th July, 2017

P.C. :

1. Heard the learned Counsel for the parties.
2. By this petition under Article 227 of the Constitution, the petitioner is challenging the order dated 05.11.2016 passed by Family Court No.3, Mumbai below Exh.11 in Petition No.E-296 of 2015, directing the petitioner to pay interim maintenance @ Rs.4,000/- per month each to his two minor children from the date of filing of the application i.e.02.03.2016 till the decision of the main petition.
3. The learned Counsel for the petitioner submits that as per the order passed by this Court, he deposited a sum of Rs.35,000/- in the Registry of this Court. The learned counsel for the petitioner, after taking instructions from his client, makes a statement that he is ready to deposit the remaining arrears of maintenance charges in the Family Court, Mumbai at Bandra

within six weeks from today. He further submits that in the Family Court in Petition No.E-296 of 2015 the recording of evidence is going on. He further submits that the respondent-wife is not cooperating for early decision of the said petition.

4. At this stage, the learned counsel appearing on behalf of the respondent-wife submits that the respondent-wife undertakes to this Court that she will cooperate for disposal of Petition No.E-296 of 2015 pending before the Family Court, Mumbai at Bandra, as early as possible. He further submits that the respondent-wife will provide her correct present address to the applicant within two weeks. The statement is accepted.
5. Considering the submission made by learned Counsel for the petitioner and the impugned order passed by the trial Court, as the respondent's evidence is started in the main petition, in the interest of justice, the following order is passed.

ORDER

- (i) The petitioner is directed to deposit the entire arrears of maintenance charges upto July 2017 in the Family Court within six weeks from today.
- (ii) If the amount is deposited within the stipulated time as stated hereinabove, the operation and implementation of the impugned order dated 05.11.2016 shall remain stayed till next date.
- (iii) If the amount is deposited within the stipulated time as stated hereinabove, the respondents are entitled to withdraw the said amount subject to outcome of the main petition no.E-

296/2015 pending before the Family Court, Mumbai at Bandra.

(iv) The respondent-wife is entitled to withdraw the sum of Rs.35,000/- with accrued interest, if any, deposited by the petitioner in the Registry of this Court without furnishing any surety, but same will be subject to the outcome of the revision pending before the Family Court, Mumbai at Bandra.

(v) Hearing of petition No.E-296/2015 is expedited.

(vi) Both the parties are directed to cooperate for disposal of the said petition, as early as possible.

(vii) Writ petition stands disposed of accordingly.

(K.K. TATED, J.)