

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

**WRIT PETITION NO. 2560 OF 2016**

Rupesh Tukaram Gangurde ... **Petitioner.**

V/s.

Manisha Rupesh Gangurde & Anr. ... **Respondents.**

- Ms.Smita R. Gaidhani for the Petitioner.
- Mr.Ashok B. Tajane for Respondent No.1.
- Mr.P.H. Gaikwad, A.P.P. for Respondent No.2-State.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATED : 9<sup>th</sup> OCTOBER, 2017.**

**P.C. :-**

1] Heard learned counsel for the parties.

2] This Writ Petition is preferred challenging the order dated 23/06/2016 passed by Judicial Magistrate First Cass, Malegaon, thereby holding the Respondent-mother entitled to recover the arrears of maintenance amount which fall due prior to 11/12/2015 from non-Applicant. It was further directed that non-Applicant shall pay entire amount to the Natural Guardian-Mother.

3] Learned counsel for the Petitioner is not disputing the liability of payment of maintenance upto the date of handing over the custody i.e. 11/12/2015. According to her, whatever amount of arrears of the maintenance was there which was to the tune of Rs.2,17,000/-, the Petitioner has already deposited that amount in this Court as per the order passed by this Court on 10/08/2016.

4] According to learned counsel for the Respondent, the total amount was Rs.2,55,000/- and not Rs.2,17,000/-.

5] In view thereof, learned counsel for the Petitioner submits that whatever amount remains due which is Rs.38,000/- as stated by the Respondent, will be deposited in the Court within two months from the date of this order. In view thereof, Writ Petition stands disposed of.

6] It is clarified that this amount of arrears was only upto 11/12/2015 which was due till then. Thereafter, in view of handing over custody of the child to the Petitioner, the Respondent will no more be entitled to get the maintenance at the rate of Rs.8,000/- per month which was awarded to the child.

**(DR. SHALINI PHANSALKAR-JOSHI, J.)**