

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

**MISCELLANEOUS APPLICATION NO.474 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.416 OF 2017**

Mohammadhusain Nijampasha Patil .. Petitioner

vs.

1) Nilofar @ Farin (Gori) -
Mohammadhusain Patil and Anr. .. Respondents

Dr.Laxmi P. Rao for the applicant

**CORAM : K. K. TATED, J.
DATE : SEPTEMBER 19, 2017**

P.C.:

1. Heard the learned counsel for the applicant.
2. The applicant preferred the present Miscellaneous Application for recall and revoke of the order passed on 26.7.2017 in Criminal Revision Application No.416 of 2017 (St.No.384 of 2017).
3. In the present proceeding, initially the respondent's wife filed Petition No. E-48/2014 under section 125 of the Criminal Procedure Code for maintenance before the Family Court at Solapur. Family Court by judgment dated 24.2.2017 allowed the respondent's wife's application and directed the applicant to pay sum of Rs.30,000/- per month to the wife and Rs.10,000/- per month to the minor child. The

said order reads thus:

“ORDER

- 1) *The petition is partly allowed.*
- 2) *The respondent is hereby directed to pay Rs.30,000/- (Rs.Thirty thousand only) per month to Petitioner No.1 and Rs.10,000/- (Rs. Ten Thousand only) per month to Petitioner No.2 [Total Rs.40,000/- (Rs.Forty thousand only) per month] towards maintenance from the date of filing petition till further order.*
- 3) *The respondent shall clear arrears in 15 (Fifteen) equal installments.*
- 4) *The amount of interim maintenance, in D.V. Proceeding, if paid, shall be deducted from recovery, in this proceeding.*
- 5) *The respondent is directed to deposit the amount of maintenance, as ordered above, in the designated account of Petitioner No.1 on or before 10th day of each month as per English Calender.*
- 6) *The respondent shall bear his own cost and shall pay Rs.5,000/- (Rs. Five thousand only) separately to Petitioners towards cost of proceeding within one month from today.*
- 7) *The copy of Judgment be given free of costs to the Petitioner as per Section 128 of Cr.P.C.”*

4. Being aggrieved by the order dated 24.2.2017 passed by Principal Judge, Family Court, Solapur, applicant preferred the Criminal Revision Application No.416 of 2017. That application is decided by this court by order dated 26.7.2017 and permitted the applicant to pay arrears of maintenance in 25 equal instalments instead of 15 equal instalments. Thereafter the applicant filed praecipe in the month of August, 2017 for speaking to minutes of order dated 26.7.2017 passed

by this court. That praecipe was in the nature of review of the order. Hence, this court by order dated 23.8.2017 at Exhibit- A page 12 rejected that praecipe and granted liberty to the applicant if he so desires to prefer appropriate application according to law. Hence, applicant filed present Miscellaneous Application for recall and or revoke of the order dated 26.7.2017.

5. During the course of argument, the learned counsel for the applicant after taking instruction from father of applicant makes a statement before this court that they are ready and willing to deposit 50% of remaining outstanding amount towards maintenance charges in the Registry of this court on or before 5.10.2017. On her statement, following order is passed:

- a) Applicant husband to deposit 50% of remaining maintenance charges in the Registry of this court on or before 5.10.2017.
- b) If amount is deposited within stipulated time as stated hereinabove, office is directed to issue notice to the respondent, returnable on 24.11.2017.
- c) Applicant to serve copy of Miscellaneous Application along with other proceeding on respondent by private notice either by registered post A/D and or by hamdast stating that they deposited the amount as stated hereinabove along with proof to that effect and file affidavit of service to that effect.
- d) It is made clear that if amount is deposited within

stipulated time as stated hereinabove, respondent is entitled to withdraw the same without furnishing any security.

e) If amount is not deposited within stipulated time as stated hereinabove, Miscellaneous Application No.474 of 2017 shall stand dismissed without referring back to the court.

f) Stand over to 24.11.2017.

(K.K.TATED, J.)