

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION NO.59/2017

Aniruddha s/o Ramesh Deshpande ..vs.. Smt. Minal w/o Aniruddha
Deshpande and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. N. Kumar, Advocate for applicant.
Dr. R.S.Sirpurkar, Advocate for non applicant nos.1 & 2.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 10, 2017

1. This revision arises out of a bitter fight between the husband and wife who are well educated and the husband is working in San Francisco as a Software Engineer. According to the applicant, the US Court has already granted divorce. However, no amount of maintenance is fixed in view of the submission of the present applicant before the US Court that the issue should be decided in the separate proceeding. However, separate proceedings are not filed.

2. In India, the present non applicant-wife filed an application under Section 125 of the Code of Criminal Procedure before the learned Judge of the Family Court, Nagpur being Petition No. E-516/2015. The said is pending. Pending the said, an application for interim maintenance was filed on behalf of the wife below Exh.-6 and the learned Judge has fixed the interim

maintenance at the rate of Rs.1,50,000/- i.e. Rs.1,00,000/- for wife and Rs.50,000/- for the child.

3. The present proceeding arises out of an order passed by the learned Court below granting application for interim maintenance by the non applicants. The main application under Section 125 of the Cr.P.C. is pending. Therefore, any observation by this Court will amount to prejudging the issue.

4. However, looking to the pleadings and documents as are available, in my view, the ends of justice can be met if during the pendency of the Petition No. E-516/2015, the applicant pays Rs.1,25,000/- per month to the non applicants and a direction to the learned Judge of the Family Court, Nagpur is given to decide Petition No. E-516/2015 within a stipulated period.

Hence, following order is passed.

ORDER

- (i) Criminal Revision No.59/2017 is disposed of.
- (ii) The applicant to pay Rs.1,25,000/- per month to the non applicants towards interim maintenance during the pendency of the Petition No.E-516/2015 from the date of the application.
- (iii) Petition No. E-516/2015 shall be decided in accordance with law by the learned Judge, Family Court, Nagpur within six months from today.
- (iv) The non applicant-wife shall not try to prolong the hearing of the said petition.

(v) The application for visitation which is filed by the present applicant before Family Court No.3, Nagpur, being Petition No. D-50/2015, within a period of 20 days from today as agreed by both the parties. It is reported that the said matter is fixed before the learned Judge, Family Court on 11.08.2017.

JUDGE

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