

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

CRIMINAL WRIT PETITION NO.349/2016

Shri Meghraj s/o Tulsiram Gajhbiye
Vs
Sau.Urmila w/o Meghraj Gajhbiye

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

Court's or Judge's orders.

Mrs. Prajakta Chaudhari, Advocate for the petitioner.
Shri Rajnish Vyas, Advocate for respondent.

CORAM : REVATI MOHITE DERE, J.
DATE : NOVEMBER 3, 2017

By this petition, the petitioner has impugned the order dated 27.01.2016 passed by the learned Judge, Family Court No.3, Nagpur, by which maintenance of Rs.5,000/- per month was awarded to the respondent under Section 125 of the Code of Criminal Procedure.

This Court vide order dated 04.10.2017 had directed the petitioner to deposit an amount of Rs.70,000/- in this Court by way of interim arrangement and the proceedings before the Family Court were expedited. The petitioner was also directed to continue to deposit an amount of Rs.2,500/- per month regularly.

Learned counsel for the petitioner submits that pursuant to the said order dated 04.10.2017, the petitioner has deposited an amount of Rs.70,000/- in this

Court. She submits that the petitioner will continue to pay an amount of Rs.2,500/- per month regularly to the respondent, without prejudice to his rights and contentions, pending trial. She further submits that the trial has already commenced and that the petitioner is under cross-examination.

Learned counsel for the respondent submits that the amount of Rs.2,500/- per month is a meager amount and that the respondent is unable to sustain herself in the said amount. Learned counsel for the respondent also seeks permission to withdraw the said amount of Rs.70,000/- and the amount of Rs.2,500/- deposited by the petitioner in this Court.

Perused the papers. It appears that the trial has already commenced and the petitioner has entered the witness box and is facing cross-examination. The petitioner has deposited an amount of Rs.70,000/- in this Court, pursuant to the order dated 04.10.2017 passed by this Court. This Court has also expedited the proceedings pending before the Family Court. This Court vide order dated 04.10.2017, by way of an interim arrangement, has also directed the petitioner to continue to deposit an amount of Rs.2,500/- per month.

Since the trial has already commenced and the proceedings before the Family Court have already been expedited vide order dated 04.10.2017, without going into the merits, the petition can be disposed of by continuing the interim order dated 04.10.2017, directing the petitioner to deposit Rs.2,500/- per month towards maintenance till disposal of the proceedings before the

Family Court.

The respondent is permitted to withdraw the amount of Rs.70,000/- deposited by the petitioner in this Court as well as the amount of Rs.2,500/- per month deposited by the petitioner every month, till date.

Needless to state, that the petitioner shall continue to deposit the said amount of Rs.2,500/- per month in the Family Court/in the account of the respondent, without prejudice to his rights and contentions. It is also made clear that the respondent has agreed to accept the said amount of Rs.2,500/- per month, without prejudice to her rights and contentions.

It is also made clear that this petition has not been considered on merits. All contentions of both the parties are kept open.

The petition is disposed of in the aforesaid terms.

All parties to act on the authenticated copy of this order.

JUDGE

Andurkar..