

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal revision Application No.98 of 2016
[Mangesh Madhukarrao Deogirkar Vs. Smt. Neha Mangeshrao Deogirkar]

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

Court's or Judge's orders

Mr. A. P. Chaware, Adv., for the Applicant.
 Mr. S. P. Chintakandalwar, Adv., for the non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 06th October, 2017

Heard finally.

The applicant has challenged the order dated 21st March, 2016 passed by the Family Court under provisions of Section 125 of the Criminal Procedure Code, 1973, directing payment of interim maintenance of Rs.5,000/- per month from 1st February, 2015. In support of the application, Shri Chaware, learned counsel for the applicant, seeks to rely upon various communications which, according to the applicant, have been issued by the non-applicant stating therein that she was leaving the matrimonial home on her own will. The learned counsel for the non-applicant submits that a

reference to these documents did not find place in the reply that was filed before the Family court.

From the record, it is seen that on 24th June, 2016, this Court had directed payment of interim maintenance at the rate of Rs. 3,000/- per month. As the applicant seeks to rely upon the documents which were not placed before the Family Court, I find that interest of justice would be served if the applicant is granted liberty to apply before the Family Court for modification/cancellation or variation of its order under Section 127 of the Criminal Procedure Code.

Accordingly, the present application is disposed of by granting liberty to the applicant to take appropriate steps before the Family Court. If any such application is filed, the same shall be decided on its own merits and in accordance with law. The rival contentions in that regard are kept open.

Application is disposed of.

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Criminal Application No. 57 of 2017 :

The non-applicant is permitted to withdraw the amounts deposited by the applicant pursuant to the order dated 24th June, 2016 along with accrued interest.

This withdrawal shall not prejudice the rights of the parties before the Family Court.

Application is disposed of.

Judge

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