

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

CRIMINAL WRIT PETITION NO.498/2017

Sagar s/o Vinod Thakre ..vs.. Mrs. Smita w/o Sagar Thakre & anr.

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

Court's or Judge's orders.

Mr. S. A. Marathe, Advocate for petitioner.
Mr. P. N. Upadhyay, Advocate for respondents.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 2, 2017

This writ petition arises out of an application for interim maintenance decided by the learned Principal Judge, Family Court, Nagpur on 29.04.2017 below Exh.-6 in Petition E-365/2016. By the said order, the learned Principal Judge of the Family Court directed the present petitioner to pay Rs.10,000/- per month to his wife and also to his son who are respondent nos.1 and 2 before this Court.

During the course of hearing, the learned counsel had not disputed the fact that the respondent no.2-Dharunya is suffering from Cerebellar Ataxia and also submits that there cannot be any dispute in respect of the documents which are filed on record of the Court below in that behalf. He submits that the respondent no.1 is working with one private firm and is drawing an amount of Rs.7500/- per month. He therefore submits that he is ready to pay Rs.20,000/- by way of maintenance to his son.

The learned counsel for the respondents, without prejudice to the rights of the wife, submits that at this stage, the respondents will be satisfied if they receive Rs.20,000/- by way of interim maintenance.

In that view of the matter, the petitioner shall pay Rs.20,000/- per month by way of maintenance in favour of the respondent no.2 from 01.08.2016 as agreed by the petitioner.

The contention of wife that she is also entitled to receive the maintenance is kept open and will be decided by the learned Judge of the Family Court while deciding the main application on its own merit.

The writ petition is disposed of.

Criminal Application No.138/2017

This is an application filed by the respondent-wife to withdraw Rs.75,000/- deposited by the petitioner as per directions of this Court.

For the reasons stated in the application, it is allowed. The respondent no.1-applicant is permitted to withdraw the amount of Rs.75,000/- deposited by the petitioner.

The application stands disposed of accordingly.

JUDGE