

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2685 OF 2015

Anil Shridhar Pawar .. Petitioner
Versus
Shraddha Anil Pawar .. Respondents
...
Mr.Satyajeet Dighe for the petitioner.
Ms.Seema Sarnaik for the respondent.

WITH
CRIMINAL APPLICATION NO.440 OF 2017
IN
WRIT PETITION NO.2685 OF 2015

Shraddha Anil Pawar .. Applicant
Versus
Anil Shridhar Pawar .. Respondents
...
Ms.Seema Sarnaik for the applicant.
Mr.Satyajeet P. Dighe for the respondent.

CORAM: SMT.BHARATI H. DANGRE, J
DATED : 4th APRIL 2018

P.C:-

1 The present Writ Petition assails the judgment/order passed by the Addl. Sessions Judge, Nashik, thereby allowing the Revision Application and directing the petitioner husband to pay maintenance at Rs.7,000/- per month to the respondent from the date of application i.e. 15th October 2001. The petition is filed in the year 2015 and is pending before this Court.

Learned counsel for the petitioner invited the attention of this Court to the subsequent development, which he has sought to bring on record by filing an affidavit on 20th November 2017. In the said affidavit, he has categorically made a statement that he has obtained a leave and licence agreement dated 14th November 2008, which is a registered document, which is signed by Sandeep Krishna Kshirsagar and it is the specific case of the petitioner that the present respondent is living in a matrimonial relationship with Sandeep K. Kshirsagar and in the leave and licence agreement, she has given her name as “Mrs.Shraddha Sandeep Kshirsagar”. Along with the affidavit, the copy of the leave and licence agreement is also placed on record. The Petitioner has also placed on record several other documents to demonstrate his contention that the respondent has now remarried with Sandeep Krishna Kshirsagar, which would disentitle her for continuing to claim the maintenance awarded by the impugned judgment.

2 It is to be noted that under Section 127 of the Code of Civil Procedure, there is remedy for the petitioner to institute appropriate proceedings, if he so desires, pointing out the change in circumstances which would disentitle a wife to continue the maintenance granted by a Competent Court.

Petitioner is at liberty to initiate such proceedings, if advised.

3 Learned counsel for the respondent has specifically filed an affidavit denying the allegations made in the affidavit filed by the petitioner and specifically denying the factum of the second marriage. Learned counsel for the respondent wife states that the petitioner has defaulted in paying the amount of maintenance and an amount towards part payment of the arrears to the tune of Rs.5,00,000/- have been deposited in the Family Court at Nashik. Respondent makes a statement that the execution proceedings are already initiated for executing the judgment. It is permissible to the respondent to follow the said procedure of law and withdraw the said amount by taking appropriate proceedings.

4 This Court has not expressed any opinion on the merits of the matter and both the parties are at liberty to take appropriate proceedings, as advised and available under law.

Writ Petition is disposed of.

5 In view of the disposal of the Writ Petition, Criminal Application No.440 of 2017 does not survive and is disposed of.

(BHARATI H. DANGRE, J)