

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

CRIMINAL APPLICATION 246 OF 2017

IN

CRIMINAL WRIT PETITION 610 OF 2016

(Raj Rakesh Khullar...vs.. Sau. Rohini Raj Khullar)

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

Court's or Judge's orders.

Mr. M. Karia, counsel for the applicant.
Mr. M. M. Dhandekar, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 1st MARCH, 2018.

Heard.

2 The petitioner is seeking recall of the order dated 5.9.2017 passed in Criminal Application 128 of 2017 by and under which this Court directed the petitioner to make the payment of arrears of maintenance to respondent within three months either in lump sum or by installments, which shall not be less than Rs.25,000/- each.

3 The only ground pleaded in support of the prayer for recall is that no reply was filed to Criminal Application 128 of 2017 by the earlier counsel. The averment in paragraph 9 is that although the earlier counsel was specifically instructed to file reply alongwith documents, he

did not file the reply.

4 I am afraid, no case is made out for recall of the order. This Court is noticing ever increasing tendency of blaming the earlier counsel while praying for recall or modification of an order. Allegations are made against the counsel without affording any opportunity to the counsel to rebut allegations. In any event, there is absolutely no prejudice caused to the petitioner. The direction is to deposit the arrears of interim maintenance granted by the learned Magistrate.

5 The application for recall is rejected.

6 If the arrears, as directed by order dated 5.9.2017 are not deposited within two weeks, the petition shall stand dismissed without further reference to Court.

7 If the arrears are deposited, the respondent – wife shall be at liberty to withdraw the same.

JUDGE