

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL WRIT PETITION NO. 64 OF 2019**

Sahebrao Bhikan Jadhav ...Petitioner

Versus

Sau. Yashodabai Sahebrao Jadhav &  
Anr. ...Respondents

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Mr. L. K. Pradhan & Mr. M. B. Ubale, Advocates for  
Petitioner.

Mr. K. B. Jadhav, Advocate for Respondents.

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**CORAM : V.M. DESHPANDE, J.**

**DATE : 26TH MARCH, 2019**

**ORAL JUDGMENT :**

01. Rule. Rule made returnable forthwith. By consent of parties, heard finally.

02. The learned Counsel for the respondent has filed a reply, which is taken on record. By the present petition the petitioner is challenging the Order dated 12.12.2018 passed by the Incharge Principal Judge Family Court, Aurangabad in E. R. No. 446 of 2014 and E. R. No. 20 of 2018, whereby the petitioner was sent to suffer simple imprisonment of 3 months for committing default in

payment of arrears of maintenance of Rs. 3,20,000/-.

03. After the order was passed, the petitioner was taken into custody. Thereafter, he preferred the present writ petition. This writ petition was listed before this Court on 1.2.2019 and this Court (Coram : V. K. Jadhav, J) released the applicant on bail on the condition that the petitioner to deposit Rs. 50,000/- before the Family Court at Aurangbaad. On the said date the statement of the petitioner was also recorded that within a period of 4 months the entire arrears of maintenance will be cleared by the petitioner by selling his immovable property. The said statement was also accepted.

04. In that view of the Order dated 1.2.2019, the petitioner has deposited Rs. 50,000/- before the Family Court. The said fact is admitted by the learned Counsel for the respondent-Yashodabai. The petitioner was released on bail.

05. Today, also the petitioner through his Counsel Mr. M. B. Ubale reiterated his undertaking that within a 4 months from today, the petitioner will clear of all arrears those were standing against him on the day when he was taken into custody that is on 12.12.2018. The said statement

is accepted.

06. In view of the aforesaid discussion, I pass following order;

**ORDER**

(i)Writ petition is allowed.

(ii)The Order dated 12.12.2018 passed by Incharge Principal Judge, Family Court, Aurangabad below Exh. 1 in E. R. No. 446/2014 and E. R. No. 20/2018 is hereby quashed and set aside.

(iii)The petitioner is permitted to deposit the arrears within a period of 4 months from today before the family Court, which were standing in his name on 12.12.2018.

(iv)If the arrears are not deposited within a period of 4 months from today, then the Family Court will be entitled to issue fresh warrant of arrest against the petitioner to cause his arrest.

(v)If the amount is deposited, the respondent will be entitled to withdraw the said amount.

(vi)With this, the writ petition is allowed  
and disposed of.

(vii)Rule is made absolute in above terms.

**[V.M. DESHPANDE]**

**JUDGE**

*Dahibhate/-*