

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO.2385 OF 2017

Ramesh Prakash Yadav ... Petitioner  
Vs.  
Meera Ramesh Yadav and another ... Respondents

Mr. Sunil R. More for Petitioner.  
Ms Mayura Shinde for Respondent No.1.

**CORAM : R. G. KETKAR, J.**  
**DATE : APRIL 16, 2019**

**P.C. :**

Not on Board. At the request of Mr. More, taken up in the production Board.

2. Heard Mr. More, learned Counsel for petitioner and Ms Shinde, learned Counsel for respondent No.1.

3. This Petition takes exception to the order dated 09.02.2017 passed by the learned trial Judge by which arrest warrant was issued against the petitioner. The Petition was heard on 29.01.2019. On behalf of the petitioner, statement was made that petitioner is in arrears of maintenance of Rs.2,16,000/-. Assurance was given on behalf of the petitioner that before the next date of hearing, the petitioner will deposit that amount in this Court. The matter was, therefore, adjourned to 07.02.2019. In the meantime, petitioner was directed to deposit amount of Rs.2,16,000/- in this Court.

4. The Petition was thereafter heard on 28.03.2019. The petitioner was granted leave to challenge the order dated 09.02.2017 directing him to appear before the Court and clear the arrears of maintenance till date

from filing of the application and thereafter, the stay application was to be considered. Office remark shows that petitioner had deposited Rs.2,16,000/- in this Court on 06.02.2019. As the learned trial Judge issued arrest warrant as also distress warrant on the premise that petitioner has not paid the interim maintenance, ad-interim order in terms of prayer clause (B) was granted. Further, no coercive steps were to be taken against the petitioner in pursuance of arrest warrant / distress warrant against the petitioner herein.

5. Ms Shinde does not dispute that if amount of Rs.2,16,000/- is taken into consideration, the petitioner is not in arrears of past maintenance. She however, submitted that petitioner has not paid maintenance @ Rs.7,000/- per month for the months of March and April, 2019. Mr. More states that petitioner is present in the Court. He has tendered photocopy of petitioner's Aadhar Card, which is taken on record and marked 'X' for identification. Upon taking instructions from him, he assures that within one week from today, petitioner will pay maintenance for the months of March and April, 2019 and will go on regularly paying maintenance from May, 2019 onwards on or before 10<sup>th</sup> day of the next succeeding month/s. He further submitted that in pursuance of liberty granted by this Court on 18.02.2015 in Criminal Revision Application No.233 of 2014, petitioner has filed application dated 19.03.2015 for modification / review and recalling order dated 07.05.2014 passed by the learned Judge of Family Court in Petition No.E-62 of 2009. He submitted that till date, the said application is not disposed of.

6. In view thereof, Petition is disposed of in the following terms:

- a. The petitioner shall pay maintenance @ Rs.7,000/- per month for the months of March and April, 2019 within one week

from today;

b. The petitioner will go on regularly paying maintenance @ Rs.7,000/- per month from May, 2019 onwards on or before 10<sup>th</sup> day of the next succeeding month/s, till such time the order dated 07.05.2014 is modified;

c. In case the petitioner regularly pays maintenance, no coercive steps shall be taken against him;

d. If petitioner does not pay maintenance regularly, liberty is reserved to the respondent to take appropriate steps;

e. The learned trial Judge, seized of the application dated 19.03.2015 for modification of the order dated 07.05.2014, shall decide the application within two weeks from receipt of the authenticated copy of this order;

f. All contentions of the parties in that regard are expressly kept open.

7. All parties, including the trial Court, to act upon the authenticated copy of this order.

**(R. G. KETKAR, J.)**

*Minal Parab*