

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.353/2019
IN
CRIMINAL WRIT PETITION NO.2385/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mrs. Madhuri S. Gaikwad for the Applicant Mr. Sunil R. More for the Respondent

CORAM : K.K.TATED, J.
DATED : JULY 31, 2019

P.C.

1 Heard. By this Civil Application, the Applicant wife is seeking permission to withdraw sum of Rs.2,16,000/- deposited by the Respondent husband pursuant to the order dated 16.04.2019 passed by this court in the Writ Petition.

2 The learned counsel for the Respondent husband seeks some time to file Affidavit-in-Reply with copy to other side. He submits that he received instructions from his client to oppose the present Application. Request made by the learned counsel for the Respondent for adjournment is rejected.

3 This court, by order dated 16.04.2019 in the Writ Petition directed the Respondent to deposit the arrears of maintenance of Rs.2,16,000/- in the Registry of this court. Paragraph 3 of the said order reads thus:

“13. 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 Bare reading of paragraph 3 shows that sum of Rs.2,16,000/- is towards arrears of maintenance charges. Apart from that this court also by order dated 16.04.2019 directed the Trial Court to decide the Application dated 19.03.2015 for modification of order dated 07.05.2014 as early as possible.

5 Considering the fact that the said amount of Rs.2,16,000/- is towards the

arrears of maintenance, I am of the opinion that the Applicant has made out a case for allowing the Application.

6 Hence, following order is passed:

a. The Applicant wife is permitted to withdraw sum of Rs.2,16,000/- deposited by the Respondent husband as per order dated 16.04.2019 towards the arrears of maintenance charges along with accrued interest, if any, without furnishing any security but subject to outcome of the Writ Petition.

b. In respect of other reliefs, liberty is granted to the Applicant to take out appropriate proceedings, if she so desire.

c. The application stands disposed of accordingly.

(K.K.TATED, J.)