

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4978 OF 2019

Ashwin Ashok Darge

...Petitioner

vs.

Aditi Ashwin Darge and anr.

...Respondents

Dr. Samarth Karmarkar I/by Karmarkar & Associates for the petitioner.
Mr. Ajay Patil, AGP. for the State.
Petitioner present in court.
None for the Respondent.

CORAM : SMT. BHARATI DANGRE, J.
DATE : 7th October, 2019.

P.C.:

1. Being aggrieved by the concurrent findings recorded by the Metropolitan Magistrate, 53rd Court at Mulund, Mumbai and the Sessions Court for Greater Mumbai in an appeal assailing the said order, the petitioner has invoked the writ jurisdiction of this Court seeking relief of absolving him from the directions fastened upon him by the Metropolitan Magistrate an application was filed by the

respondent seeking maintenance. On which an order of interim maintenance to the tune of Rs.7000/- per month to be paid to the wife is passed.

2. Heard the learned counsel for the petitioner on merits of his case and since I have expressed disinclination to interfere in the order granted by the Magistrate, the learned counsel for the petitioner seeks permission to withdraw the petition.

He however seeks indulgence from this court and submit that he has already paid an amount of Rs.30,000/- towards the interim maintenance and he is in arrears of approximately Rs.1,40,000/- and if some breathing time is granted, his client will be in a position to clear the arrears.

3. Considering the statement contained in the writ petition that the petitioner is not presently employed in a secured job, I am inclined to grant the prayed indulgence.

4. The learned counsel for the petitioner on the basis of the statement made by the applicant who is present in court makes a statement that all the arrears would be cleared by him on or before

31.12.2019. On such statement being made and the compliance being ensured no coercive steps would be taken against the petitioner for non payment of the amount of maintenance in terms of the impugned order.

5. In the light of the aforesaid statement being made and the indulgence granted to the petitioner, writ petition is disposed of.

(SMT. BHARATI H. DANGARE, J.)