

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

CRIMINAL WRIT PETITION NO.602 OF 2018

[Renushri w/o Ritesh Patkar .vs. Ritesh s/o Gajanan Patkar]

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

Court's or Judge's orders

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 Shri O.Y. Kashid, Advocate for Petitioner,
 Shri Ved Deshpande, Advocate for Respondent.

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CORAM : MRS. SWAPNA JOSHI, J.

DATED : APRIL 01, 2019.

This petition has been filed by the petitioner-wife to direct the respondent-husband to pay the amount of maintenance of Rs.2,55,000/- in lump-sum, which is due till April-2018 and further to issue directions to regularly pay the amount of maintenance to the petitioner from time to time, as per order dated 30.4.2016 passed by the learned JMFC Court No.3, Akola, below Exh.5.

Heard both the sides. During the pendency of the present petition, the petitioner has filed an application (Exh.76) before the learned JMFC, bearing Misc. Criminal Case No.813/2015, whereby directions were sought by the present petitioner to direct to deposit the amount of Rs.1,00,000/-. Accordingly, the order was passed by the learned JMFC on 6.12.2018 directing the respondent to deposit the amount of Rs.1,00,000/- by next date.

It is thus clear that the same issue is pending before the learned JMFC and the learned JMFC has issued the directions to the respondent to deposit the amount of rs.1,00,000/- and as agreed by both the sides, the said amount has been deposited in the court.

In view of the fact that the issue is already pending before the learned JMFC and the matter is subjudiced, the present writ petition does not survive and needs to be disposed of. Hence, the following order :

ORDER

Criminal Writ Petition stands disposed of with a direction to the learned JMFC to decide MCC No.813/2015 on its own merit within a period of one month from the date of receipt of this order. Record and proceedings be sent back immediately.

Criminal Application No.94/2019

In view of the disposal of the petition, this application also stands disposed of.

Criminal Application No.80/2019

This is an application filed by the applicant-petitioner for withdrawal of amount deposited by the respondent.

Heard. Perused the application. For the reasons mentioned in the application, the application is allowed. The petitioner is permitted to withdraw the amount of Rs.16,000/- towards the maintenance deposited by the respondent in this court. Criminal Application stands disposed of.

JUDGE