

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CRIMINAL APPLICATION NO.923/2021 IN REVN/34/2020

ROJMERY ASHOK SHINDE
VERSUS
ASHOK SADANAND SHINDE

...
Advocate for Applicants : Mr. D.R. Jaybhar,
Advocate for respondent : Ms. Kshitija G. Sarangi

CORAM : MANGESH S. PATIL, J.

DATE : 06.07.2021.

PER COURT:

1] Heard both sides. In this revision preferred by the husband against the respondent/wife, inter-alia, impugning the order of the Family Court, Ahmednagar, awarding her maintenance under Section 125 of Cr.P.C., he was directed to deposit 30% of the amount of arrears as a condition precedent for grant of stay to the operation of the impugned order, by order dated 29.06.2021. Taking note of the objections being raised on behalf of respondent/wife, the learned Advocate for the applicant was granted time to make calculations. Advocate Ms. Kshitija Sarangi, today conceded that the amount of Rs. 50,000/- deposited by the petitioner/husband is not 30% of the amount of arrears.

2] In addition, learned Advocate Ms. Sarangi submits that in

fact, respondent/wife was residing separability with mutual consent which dis-entitles her to claim maintenance under Section 125 of Cr.P.C. The applicant would be put to irreparable loss and inconvenience if she is allowed to withdraw money when the husband is strenuously impugning the order granting maintenance to her.

3] The revision would take some time to decide. It is a question of amount of maintenance. The relationship between the parties stands admitted. There is also no dispute that she is residing separately. In the circumstances, she deserves to be allowed to withdraw the amount subject to furnishing usual securities, instead of allowing the money to remain idle till conclusion of the revision.

4] The application is allowed. The respondent/wife is allowed to withdraw an amount of Rs. 50,000/- deposited by the petitioner husband in this court subject to following conditions :-

[a] She undertakes to return the money in case so ordered in future.

[b] She furnishes security to the satisfaction of the Family Court.

5] The amount be transmitted to the Family Court, Ahmednagar, which shall now allow the respondent/wife to withdraw the money as per this order.

[MANGESH S. PATIL]
JUDGE.

grt/-