

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Interim Application No. 92 / 2020

in

Writ Petition No. 514 / 2019

Madhu Ashok Jadhav

.. Applicant

Versus.

Ashok Sunderjibhai Jadhav and Anr.

.. Respondents

Mr. Satyaprakash Sharma i/by Global Juris, Advocate for the Petitioner in Writ Petition No.514/2019.

Mr. S.R. Phanse i/by Mr. Ashish Sawant, Advocate for Respondent No.1 in Writ Petition No.514/2019 and for Applicant in I.A. No.92/2020.

Smt. Sharmila Kaushik, APP for State.

CORAM : SANDEEP K. SHINDE J.

DATE : 04th OCTOBER, 2021.

P.C. : -

1. Respondent's application under Section 12 of the Domestic Violence Act, 2005 was partly granted by the learned Metropolitan Magistrate vide order dated

13th May, 2014, by which, Respondent-husband was directed to pay maintenance @ Rs.5000/- per month from date of the application till March, 2008 and thereafter pay an amount of Rs. 7,500/- per month from April, 2008 to March, 2013 and thereafter Rs.15000/- per month to be paid from April 2013. Besides, the Respondent-husband was directed to pay Rs. 5000/- per month towards alternate residential accommodation from the date of application till March, 2018 and further at the rate of Rs. 5000/- up to 2013 and Rs.10,000/- from April, 2013 onwards. The appeal filed by the husband was not entertained by the Appellate Court and dismissed vide judgment and order dated 28th November, 2018. Whereafter husband has approached this Court in Writ Jurisdiction.

2. This Court on 30th July, 2019 directed the Petitioner husband to deposit Rs. 5 Lacs in the Registry of this Court as a pre-condition for entertaining the petition, whereafter Petitioner has

deposited Rs.5 Lacs in the Registry.

3. This application is moved by the wife, seeking leave to withdraw Rs. 5 Lacs.

4. Mr. Phanse, learned Counsel for the Applicant-wife submits that although the order was passed by the First Court in 2014, since then the husband has not paid maintenance to her. It is submitted as on today, the arrears for maintenance are around Rs. 19 Lacs.

5. In consideration of the facts of the case and the findings of the fact recorded by the two Courts below, let the Applicant-Wife withdraw Rs. 5 Lacs on an Undertaking, she shall bring back money, if the Petitioner-Husband succeeds in the Writ Petition.

6. Registry shall permit the Applicant Smt. Madhu Ashok Jadhav to withdraw Rs. 5 Lacs on an Undertaking that stated above.

7. The interim application is allowed.

8. List the Writ Petition for consideration on 23rd
November, 2021.

(SANDEEP K. SHINDE, J.)

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