

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

CRIMINAL WRIT PETITION 1109 OF 2018

1. Asha Rewandas Shedmake,
age 34 yrs, occ. Service,
2. Yathang Revandas Shedmake,
aged 2 yrs, Occ. Nil.

Through his mother as natural
guarding
both r/o. c/o. Madhukarrao Padlwar,
Telangura Ward No.2,
Chamorshi, Tah. Chamorshi,
Dist. Gadchiroli.

....PETITIONERS

VERSUS

Revandas Bhauji Shedmake,
aged 37 yrs, occ. Service,
r/o. Navegaon, Post. Pathari,
Tah. Saoli, Dist. Chandrapur

....RESPONDENT

Mr. A.A. Dhawas, counsel for petitioners.
Mr. V.N. Morande, counsel for respondent.

CORAM : ROHIT B. DEO, J.
DATE : 04.03.2021

ORAL JUDGMENT :

Heard Mr. A.A. Dhawas, the learned counsel for the
petitioners and Mr. V.N. Morande, the learned counsel for
respondent.

2. The petitioners are challenging the common judgment and order dated 7.8.2018, whereby the appeal preferred by the petitioner (Criminal Appeal 54 of 2015) is dismissed and the appeal preferred by the respondent (Criminal Appeal 40 of 2017) is allowed.

3. The only issue involved is the legality of the order of maintenance in favour of petitioner 2 – child.

4. Petitioner 1 – wife Mrs. “A” and respondent – Mr. “R” are working and both are earning substantial salaries, although, the salary of Mr. “R” is more.

5. Be that as it may, it is gratifying to note that due to the effort of the learned counsel appearing, the parties have arrived at mutually acceptable settlement, which needs to be recorded.

6. A minor’s account shall be opened in a nationalized bank, which shall be a joint account with Mrs. ‘A’ being the other account holder.

7. Mrs. 'A' and Mr. 'R' shall deposit Rs.5,000/- and Rs. 7500/-, respectively, in the said account every month, on or before the 10th day of the calendar month.

8. The amount in the account shall be utilized exclusively for the benefit of the minor and that Mrs. 'A' shall maintain true and faithful account of the amount spent from the said account.

9. The petition is disposed of and the judgment impugned is modified and substituted by the mutually acceptable arrangement referred to supra.

10. The recent salary certificate of Mr. "R" for the month of January, 2021 and of Mrs. "A" for the month of September, 2020 are taken on record.

11. It is made clear that I have not considered the rival contentions on merits.

Judge

Belkhede