

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.167 OF 2020

Balaji @ Balasaheb s/o Digambar Khatal ... **PETITIONER**

VERSUS

Shrushti Balaji @ Balasaheb Khatal ... **RESPONDENT**

.....
Mr. A.D. Hande, Advocate holding for
Mr. A.M. Gaikwad, Advocate for petitioner
Mr. V.G. Kodale, Advocate for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 16th MARCH, 2022.

PER COURT :

Heard learned counsel for the parties. The challenge herein is to the order condoning delay in preferring revision to take exception to the order granting maintenance in a proceedings under Section 125 of the Code of Criminal Procedure. The revisional Court has directed the petitioner – husband to deposit half of the amount of the arrears of maintenance and shall go on depositing half of the amount of monthly maintenance each month.

2. The record indicates that, the petitioner – husband has given the respondent – wife 2 Hectors and 6 R land

towards her maintenance. Admittedly, the land is in her possession. Thereafter there was resumption of cohabitation and the daughter is said to have born. The application was preferred for maintenance of the minor daughter. The application was decided ex-parte.

3. In the facts and circumstances of the case, and particularly the respondent – wife having been given 5 acres of land, this Court is inclined to upset the order impugned herein, on condition that the petitioner shall deposit Rs.40,000/- (Rupees forty thousand) more towards arrears of maintenance within three weeks before the revisional Court.

4. In view of the above, the criminal writ petition is allowed in terms of prayer clause (B) subject to condition of depositing the amount of Rs.40,000/- (Rupees forty thousand) within the time-frame as stated above.

(R. G. AVACHAT)
JUDGE

fmp/-