

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

**CRIMINAL APPLICATION NO. 3635 OF 2022
IN REVN/219/2022 WITH REVN/289/2022**

**POOJA W/O. NIVRUTTI GAIKWAD ALIAS POOJA SURESHRAO
DAKRE
VERSUS
NIVRUTTI S/O. HIRAMAN GAIKWAD**

...
Advocate for Applicant : Mr. T.M. Venjane
Advocate for Respondent : Mr. S.V. Deshmukh

...
CORAM : S.G. MEHARE, J.

DATED : 18th NOVEMBER, 2022

PER COURT:-

1. The respondent-wife has filed this application for vacating the stay granted by this Court to the execution and implementation of the order impugned before this Court. This Court by order dated 20.06.2019 has granted stay on condition to deposit Rs.8,000/- per month.
2. Learned counsel for the applicant would submit that the respondent has disobeyed the order of this Court and failed to comply with the same. He is a Deputy Collector but did not show diligence in complying with the Court orders. The present applicant has no source of income. She has been put to starvation and living at the mercy of others.
3. Learned counsel for the present non-applicant would submit that today in the morning session, the amount of Rs.25,000/-

has been transmitted to the bank account of the wife/present applicant. However, he could not state that the entire amount of arrears has been deposited. He also states that he is ready to work out the matter on merit.

4. It appears that the present non-applicant failed to comply with the conditions imposed by this Court while granting stay. It is not the case that the present non-applicant has no regular income. He is a Deputy Collector, but he did not pay heed to the Court's order. Considering these conditions, it would be appropriate to vacate the stay order dated 20.06.2019.

5. Accordingly, the application is allowed. The order granting stay dated 20.06.2019 to the execution, implementation, effect and operation of the impugned order is vacated.

6. List the revision applications on 13.12.2022.

(S.G. MEHARE, J.)