

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CRIMINAL APPLICATION NO.4152 OF 2022
IN REVN/119/2022

NAZIYA AFRIN W/O ABDUL MOBIN AND ANOTHER
VERSUS
ABDUL MUBIN S/O ABDUL RAZZAQ

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Advocate for applicants : Ms. F.S. Kazi
Advocate for respondent : Mr.E.G. Irale

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CORAM : S.G. MEHARE, J.
DATE : DECEMBER 14, 2022

PER COURT :-

1. Heard learned counsel for the applicants and learned counsel for the respondent.

2. The applicant seeks leave to withdraw the amount of Rs.90,000/- deposited by the husband-non-applicant towards the maintenance.

3. Learned counsel for the husband opposes the application and would contend that the matter is posted for hearing on 20th December, 2022. He has good case on merit; hence, the applicants may not be allowed to withdraw the amount.

4. The maintenance has been granted to the applicants-wife and daughter on merit. The husband has no case that he has ever paid the maintenance to the applicants. The husband prima facie appears to have failed to maintain the

applicants. Hence, the applicants are entitled to receive the amount deposited by the husband.

5. The application is allowed in terms of prayer clause "B". Office is directed to pay Rs.90,000/- (Rs. Ninety Thousand only) along with accrued interest thereon if any to the applicants.

(S.G. MEHARE, J.)

SGA