

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

CRIMINAL APPLICATION (APL) NO.453 OF 2021
(Sheikh Ansar Sheikh Rahim & ors. Vs. Sau. Ashiya Sheikh Ansar & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R. Jadhav, Advocate for the applicants.
Shri M.V. Acharya, Advocate for the non-applicants.

CORAM:- AVINASH G. GHAROTE, J.
DATED :- JANUARY 07, 2022

Heard learned counsel for the parties.
There is no dispute that the impugned order below Exh.18 dated 25.02.2021 was passed for the reason that the applicants was in arrears of maintenance totaling Rs.52,500/-, for non-payment of which, the cross-examination of the non-applicants by the applicants was closed and the defence of the present applicants was struck off. It is also undisputed that the amount of Rs.52,500/- has been deposited by the applicants before the trial Court on 01.04.2021, considering which the cause for passing the impugned order does not survive, considering which, the impugned order is hereby quashed and set aside. The application is accordingly allowed.

Needless to mention that any grievance which the non-applicant No.1 may have regarding

arrears accumulated, thereafter, could be made the subject matter of independent proceedings as may be permissible in law.

JUDGE

Sarkate