

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

928 CRIMINAL WRIT PETITION NO.515 OF 2023

VIJAY SHIVAJI KANWADE
VERSUS
SEEMA W/O. VIJAY KANWADE AND OTHERS

...
Advocate for Petitioner : Mr. K. N. Shermale
Advocate for Respondents No.1 & 2 : Mr. V.Y. Bhide
...

CORAM : R. M. JOSHI, J.
DATE : SEPTEMBER 07, 2023

PER COURT :

. During the course of hearing, learned counsel for the petitioner seeks leave to withdraw petition for filing appeal under Section 29 of the Domestic Violence Act (for short, 'D.V. Act') against impugned order dated 04.02.2023 passed by Judicial Magistrate First Class, Akole below Exh.31 in Criminal M.A. No. 339 of 2018.

2. Having regard to the provisions of Section 29 of the D.V. Act, leave granted.

3. Interim order passed by this Court to continue for the period of one month from today.

4. Learned counsel for the respondent makes an oral

request for withdrawal of amount deposited by the petitioner pursuant to the order dated 11.04.2023 passed by this Court. Learned counsel for the petitioner submits that the respondent is not entitled for the said amount.

5. This Court is not expected to go into the merits of the case as leave is already granted to the petitioner to file appeal against the impugned order. Suffice it to say that since the proceeding concerned is in respect of the matrimonial dispute, this Court finds it just and necessary to allow respondent no.1 to withdraw the amount deposited by the petitioner before this Court along with interest accrued thereon.

6. The said withdrawal would be subject to the decision of the appeal.

7. Needless to state that order passed by this Court will not affect the merits of the appeal.

[R. M. JOSHI]
JUDGE

GGP