

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.853 OF 2022

Lalita Mhalappa Mote ... Petitioner
V/s.
Mhalappa Bhagwan Mote and Anr. ... Respondents

Mr. Ravindra Chile for the petitioner.

Mr. Vikrant V. Phatate for the respondent No.1.

Mr. Arfan Saif, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2023

P.C.:

1. The wife has filed present petition challenging clause (ii) of order dated 31st March 2021, passed by the learned Additional Sessions Judge, Solapur granting maintenance to the wife “from the date of order” till the final decision of the proceeding.

2. Considering the limited request made by the petitioner, in view of judgment of the Apex Court in the case of **Rajnish vs. Neha**, reported in (2021) 2 SCC 324, the amount of maintenance needs to be granted from the date of application till the date of realization of the amount.

3. The order passed by the learned Session Judge, therefore, deserves to be modified to direct the respondent No.1/husband to pay the amount of maintenance as directed by the learned Session

Judge from the date of application till the date of realization. With the said modification writ petition stands disposed of. No costs.

4. The respondent No.1 shall clear 50% of the arrears within one month and remaining arrears within one month thereafter.

(AMIT BORKAR, J.)