

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

CRIMINAL WRIT PETITION NO.4795 OF 2021

Mahamadgous Abbas Mujawar ...Petitioner

Versus

Shamim Mahamadgous Abbas Mujawar

And Anr. ...Respondents

Mr. Aditya Desai for the Petitioner.

Ms. Pooja Malik for Respondents.

Mahamadgous Abbas Mujawar Petitioner Present in Person.

Shamim Mahamadgous Abbas Mujawar Respondent Present in Person.

CORAM : RAJESH S. PATIL, J.

DATED : 30 OCTOBER, 2023

PC.:

1. The impugned Order dated 5 October, 2021 passed in Criminal Appeal No.71 of 2017 by consent is modified as under :-

(A) Parties have agreed that the outstanding amount of maintenance payable and towards rent and other payment for residence agreed as of today, be finalized as Rs.8,00,000/- approximately.

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(B) The Petitioner has agreed and has undertaken to this Court that the outstanding amount will be cleared as follows :-

i) Rs.5,00,000/- will be deposited in the bank account of Respondent No.1 within two week from today.

ii) Balance amount of Rs.3,00,000/-will be deposited in the bank account of Respondent No.1 within a period of six months from today.

(C) Parties are present in the Court and have mentioned that the submissions made by them are undertaking given to this Court. If there is any default on the part of the Petitioner, the impugned Order dated 5 October, 2021 would stand.

(D) Advocate for the Petitioner also tenders an Affidavit-cum-undertaking dated 30 October, 2023. The same is taken on record and marked as 'X' for identification. Undertaking given therein, are duly accepted by this Court. For easy of reference undertaking dated 30 October, 2023, is reproduced as under :-

Tender in court
30/10/23

IN THE HIGHCOURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO .4795OF 3021

Shri Mahadagous Abbas Mujawar --- Petitioner
V/s
Sou. Shamim Mahadagous Mujawar---Respondent

Shri Mahadagous Abbas Mujawar age 58 years R/o New police Line Rajgad Apartments 6/8 Vishram Bag Sangli Petitioner above named in pursuance of order dated 30.11.2023 gives undertaking as follows

1. I hereby undertake that I will pay Rs 5,00,000/- towards arrears of maintenance out of Rs. 8,00,000/- within two weeks from today.
2. I undertake to pay balance amount of Rs. 3,00,000/- within 6 months from today.
3. I undertake to pay Rs 6250/ per month from November 2023 as maintenance here after.
4. I undertake to deposit aforesaid amount directly in Respondent's Bank Account

Date 30.10.2023
Place Mumbai

Adv. For The Petitioner

Mahadagous Abbas Mujawar
Petitioner

BEFORE ME

Mrs. SNEHAL C. SAWANT
B.Com. L.L.B.
NOTARY GOVT. OF INDIA
Regd. No. 15639
101, Visaria Chambers, 1st Floor,
Tannamhagami Fort, Mumbai-1

Noted & Registered
Reg. No. 34/1389
Page No. 46/1389
Date 30.OCT.2023

ORIG. PAN CARD / AADHAR CARD / DRIVING LICENCE
VOTERS ID NO. MH-10-20200010036 SEEN & RETURNED

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(E) From the month of November-2023 the Petitioner will deposit a sum of Rs.6,250/- per month, in the bank account of the Respondent No.1 and will continue to deposit the said amount every month on the 10th day, till further orders.

(F) This amount is fixed calculating the 25% of the pension amount to be received by Petitioner from June-2023, would be the monthly maintenance amount to the Respondent No.1.

(G) If there is increase in the pension amount there will be an simultaneously increase of 25% on the amount of the maintenance to the Respondent No.1.

2. This Writ Petition is accordingly disposed of, on above terms.

(RAJESH S. PATIL, J.)