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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL WRIT PETITION NO.1451 OF 2020

Dnyaneshwar P. Chatur ...Petitioner
V/s.
Surekha D. Chatur & Anr. ...Respondents

Mr.Dilip B. Shinde for the Petitioner.

Mr.Vilas B. Tapkir with Ms.Mrunmayi Khambate for Respondent No.1.

Mrs.M.R. Tidke, App for State - Respondent No.2.

Mr.Dnyaneshwar P. Chatur - Petitioner present in Court.

CORAM : RAJESH S. PATIL, J.
DATE : 6TH DECEMBER, 2023.

P.C. :-

1. This Writ Petition is filed by the Petitioner (husband) challenging the judgment and order dated 19 January 2017 passed by J.M.F.C., Pimpri and as confirmed by the judgment and order dated 25 March 2019 passed by the Sessions Court, Pune.

2. The J.M.F.C. Court granted maintenance of Rs.3,500/- per month to Respondent No.1 (wife). It is submitted before me that as of today a sum of Rs.5,74,000/- is outstanding towards the maintenance. The Petitioner (husband) is a retired employee of the

Sales Tax Department. The Petitioner in the Lower Court had submitted that he gets the pension of Rs.9,000/- per month. However, in the impugned order, it has been recorded that he has not produced any document regarding pension amount, which he is receiving from the Sales Tax Department. On the last occasion, this Court had sought information from the Petitioner's advocate as to what is the quantum of pension received by the Petitioner as of today.

3. Today the Petitioner is present in Court and on his instructions, advocate appearing for the Petitioner has informed this Court that the Petitioner is receiving the pension amount of Rs.18,000/- per month. Advocate for the Petitioner on instructions from his client, who is present in this Court informs this Court that from today the Petitioner would be depositing a sum of Rs.3,000/- per month as maintenance amount directly in the account of the Respondent No.1. The bank details of Respondent No.1 are as under :-

Name : Surekha Dnyaneshwar Chatur.

Account No.: 60154788316

Name of the Bank : Bank of Maharashtra, Charoti Branch

IFSC Code No. : MAHB0000766

4. The Petitioner's bank is hereby directed to transfer the amount of Rs.3,500/- per month from the bank account of the Petitioner to the account of the Respondent No.1 as soon as the

pension amount is transferred in the bank account of the Petitioner.

5. The details of the Petitioner are as under : -

6. The Petitioner's advocate further submits that his client has given him instructions that he does not want to pursue this Petition and wants to withdraw the same. The Petition is filed in the year 2020 and has been coming on board on several occasions.

7. On the request of the Petitioner's counsel, this Court by an order dated 18 February 2021 issued a notice to Respondent No.1. Pursuant to the said notice, Respondent No.1 engaged a lawyer practicing in this Court, who has been appearing in this matter on every date.

8. Hence this Writ Petition is dismissed with costs of Rs.50,000/- to be paid by the Petitioner to Respondent No.1 within a period of four weeks from today. If the said amount of Rs.50,000/- is not paid by the Petitioner to Respondent No.1 within a period of four weeks from today, the same shall be collected as land revenue from the Petitioner. The said costs is permitted to be deposited in the bank account of Respondent No.1 as mentioned above.

9. There is no need to clarify that the Executing Court will proceed further with the execution proceedings. The execution proceedings , if pending before the Executing Court, hearing of the same is expedited.

10. All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)