



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

Criminal Writ Petition No. 397 of 2023

[Bharat S/o Govindrao Narnawre ..vs.. Vrushali Bharat Narnawre]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. O. R. Deshpande, Advocate for the petitioner
Mrs. Ketki Jaltare Vaidya, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 11-9-2023

Learned counsel for the petitioner submits that there is possibility of settlement. He submits that the matter may be referred to mediation.

2. The parties to remain present on the next date.
3. Stand over to 27-9-2023.

Criminal Application (APPW) No. 169 of 2023

4. Learned counsel for the applicant (original respondent) submits that the petitioner has deposited an amount of Rs. 5,70,000/- before this Court in terms of order dated 10-8-2023. She further submits that the petitioner has not paid a single pie to the respondent and accordingly, seeks permission to withdraw the amount.

5. One of the contentions of the petitioner is that the learned Family Court in the impugned order has not given any reasons as to why the maintenance ought to be paid by the husband to wife from the date of the application. He has taken aid of the judgment of the Hon'ble Supreme Court in Criminal Appeal No. 2435/2014 (*Jaiminiben Hirenghai Vyas & anr. Vs.*

Hirenbhai Rameshchandra Vyas and anr.) dated ***19-11-2014.***

6. In view of the contentions of the petitioner that the maintenance ought to have been granted from the date of order, for the time being, the date of order i.e. 24-11-2022 is considered as reference point for permitting withdrawal of the amount deposited by the petitioner. By arithmetic calculations, from the date of order till today, the number of months will be approximately 10. The interim maintenance granted was of Rs. 15,000/- per month. The total amount of maintenance due in terms of the petitioner himself will thus be around Rs. 1,50,000/-. The respondent is permitted to withdraw the aforesaid amount i.e. Rs. 1,50,000/- upon furnishing usual undertaking. Registry to act accordingly.

(Anil L. Pansare, J.)