



**(This order is corrected as per the order of speaking to the minutes dated 27<sup>th</sup> August, 2024)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**117 CRIMINAL WRIT PETITION NO. 150 OF 2023**

SAMADKHAN NOORKHAN PATHAN

VERSUS

NASIM KHATUN D/O. GULABKHAN PATHAN (NASIM KHATUN W/O.  
SAMAD KHAN) AND OTHERS

...

Advocate for the Petitioner : Mr. Bagdiya Vishal A.

Advocate for Respondents : Mrs.Kazi Sabahat T. (Appointed Through Legal Aid)

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12<sup>th</sup> August, 2024.

**P.C.:**

1. Heard the learned counsel for the petitioner and learned counsel for respondents.
2. The learned counsel for the petitioner, on instructions, seeks leave to withdraw this petition with liberty to cross-examine the respondent and her two witnesses. The learned counsel further submitted that the contentions of the petitioner be kept open as the petitioner is stating that the respondent is not entitled for maintenance as matter is settled between the petitioner and respondent and after eight years, the application for enhancement of maintenance is filed, which is not tenable.
3. The learned counsel for the respondents submits that the application for enhancement filed by the respondents is maintainable.

Contentions of both the parties be kept open and requested to pass the appropriate orders.

4. Considering the submissions of both the learned counsel, the petition is allowed to withdraw with aforesaid liberty. **The order dated 30<sup>th</sup> November, 2018 passed by the Judicial Magistrate, First Class, Badnapur in Criminal M.A. No.69 of 2016 and the order dated 3<sup>rd</sup> December, 2019 passed by the learned Additional Sessions Judge, Jalna in Criminal Revision No.03 of 2019 are quashed and set aside** The petitioner is permitted to cross-examine the respondent and two witnesses.

5. The contentions of both the parties are kept open.

6. The trial Court shall decide the application filed by the petitioner for enhancement of maintenance amount on its own merits.

7. The trial Court is requested to dispose of the pending application as early as possible.

8. The petition is disposed of as withdrawn.

[ SHIVKUMAR DIGE, J. ]