



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

**992 CRIMINAL WRIT PETITION NO. 1118 OF 2017**

PRASHANT S/O. PRABHAKAR DURADKAR AND OTHERS  
VERSUS  
RADHA W/O. PRASHANT DURADKAR

...  
Advocate for the Petitioners : Mr. Kalani Pravin N.  
Advocate for Respondent : Mr.Jadhavar Aashish T.

...  
**CORAM : SHIVKUMAR DIGE, J.**

DATE : 6<sup>th</sup> August, 2024.

**P.C.:**

1. By this writ petition, the petitioners are challenging the judgment and order dated 17<sup>th</sup> October, 2016 passed by the Adhoc Additional Sessions Judge, Parbhani in Criminal (DV) Appeal No.7 of 2016.
2. The learned counsel for the petitioners submits that during the pendency of this petition, the petitioners have deposited Rs.10,000/- as per the order passed by this Court out of 40% arrears of maintenance amount. The learned counsel submitted that the amount of Rs.16,000/- is remained to be deposited. The learned counsel further submitted that the order passed by the Sessions Court is erroneous.
3. It is contention of the learned counsel for the respondent-wife that the arrears of maintenance amount is Rs.26,000/- as on 17<sup>th</sup> October, 2016. Out of that amount, the petitioners have deposited Rs.10,000/- and Rs.16,000/- is remained to be paid. The order passed

by the Sessions Court is legal and valid and no interference is called in it and requested to dismiss the petition.

4. I have heard both the learned counsel. Perused the impugned order.

5. By the impugned order, the Sessions Court has allowed the Criminal (DV) Appeal filed by the petitioners and set aside the order passed by the Judicial Magistrate, First Class, Parbhani in Criminal Misc. Application No.75 of 2014 and directed the trial Court to dispose of the matter within stipulated time. While passing the order, the Sessions Court has directed the petitioners to deposit 40% amount out of total amount of arrears of maintenance. The said order has been challenged by this writ petition.

6. In my view, on 17<sup>th</sup> October, 2016, the arrears of 40% comes to Rs.26,000/-. Out of it, the petitioners have deposited Rs.10,000/- and the amount of Rs.16,000/- is remaining. The main proceeding under the Domestic Violence Act is stayed by this Court. Considering this fact, the petitioners are directed to deposit the remaining Rs.16,000/- before the trial Court. Accordingly, the Writ petition is disposed of accordingly.

**[ SHIVKUMAR DIGE, J. ]**