



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

921 CRIMINAL WRIT PETITION NO. 1398 OF 2023

SHAIKH IMRAN @ IRFAN SHAIKH HABIBODDIN
VERSUS
SHAIKH TABBASUM W/O IMRAN @ IRFAN SHAIKH

...
Advocate for Respondent : Mr. Yogesh K Bobade

CORAM : Y. G. KHOBRAGADE, J.

DATE : 12.12.2024

PER COURT :-

1. On the last date i.e., 29.11.2024, none appeared on behalf of the Petitioner. However, the matter *suo-moto* adjourned for today. Today also, none present for the petitioner.

2. By the present petition, the Petitioner has challenged the order dated 23.08.2023 passed by the learned Judicial Magistrate First Class, Georai, District Beed below Exh.-60 in PWDVA No.602 of 2018, thereby issued Non-Bailable Warrant against the present Petitioner/original Respondent- Shaikh Imran @ Irfan Shaikh Habiboddin for recovery of arrears of maintenance to the tune of Rs.1,41,500/-

3. On 25.10.2023, this Court passed the following order.

"1. Learned counsel for the petitioner states that learned Magistrate has failed into taking consideration under the provisions of 125(3) of Cr.P.C. which contemplates filing of separate application for recovery of the amount of maintenance beyond the period of one year.

2. In view of this, there would be stay to the Non Bailable Warrant issued by the learned Magistrate below order Exhibit 60 till next date of hearing.

3. Stand over to 14th December, 2023."

Further on 20.09.2024, this Court passed the following order as under.

"1. Heard learned counsel for the petitioner and learned counsel for the respondent. The learned counsel for the petitioner submitted that out of arrears amount, the petitioner would deposit Rs.41,000/- by the next date and the matter be referred for mediation.

2. Learned counsel for the respondent submitted that the petitioner has not deposited the arrears of amount and the petitioner wants to prolong the matter.

3. Considering the submissions of both the learned counsel the petitioner is directed to pay an amount of Rs.41,000/- directly to the respondent or her counsel, by the next date.

4. Learned counsel for the petitioner and the respondent shall explore the possibility of amicable settlement with the help of

mediator Dr. Rajendra Godbole, the learned counsel, by the next date. Stand over to 04.10.2024."

4. No doubt on 29.11.2024, this Court passed an order and observed that the Petitioner/husband paid Rs.41,000/- to the Respondent. Though this Court had observed that the counsel for the Petitioner shall argue the matter on the next date without fail, otherwise appropriate order would be passed, in spite of the said fact, none appeared for the Petitioner which shows that the Petitioner wants to enjoy the fruits of the interim relief and avoiding hearing of the matter. Under these circumstances, no options left except to dismiss the Petition for want of prosecution. Accordingly, the Petition is dismissed.

4. Interim relief, if any, granted earlier, is hereby vacated.

[Y. G. KHOBRADE, J.]