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903-crapln-4421-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL APPLICATION NO. 4421 OF 2024
IN APPLN/3291/2024

SAWARNA BHAUSAHEB WAGH AND ANOTHER
VERSUS
BHAUSAHEB CHANGDEO WAGH

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Advocate for Applicants : Mr. Sachin S. Bhise
h/f. Mr. S. G. Jadhavar
Advocate for Respondent : Mr. B. T. Bodkhe
h/f. Mr. S. B. Solanke

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WITH
CRIMINAL APPLICATION NO. 3291 OF 2024

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 19.11.2024

PER COURT :

1. Heard Advocate Mr. Sachin S. Bhise holding for Mr. S. G. Jadhavar, learned counsel appearing for the Applicants and Advocate Mr. B. T. Bodkhe holding for Mr. S. B. Solanke, learned counsel appearing for the Non-Applicant / Respondent.

2. By the present application, the Applicants seeks permission to withdraw the entire amount towards arrears of maintenance deposited by the Respondent in Criminal Application No.3291 of 2024.

3. The learned counsel appearing for the Non-Applicant has strongly opposed the application on the ground that applicants are not entitled for any maintenance.

4. Needless to say that, on 05.09.2024 this Court passed an order holding that the learned Additional Sessions Judge while deciding both the cases for maintenance granted Rs. 7,000/- per month in favour of the Applicants and conditional stay was granted on deposit of half of the arrears in three equal instalments within a period of three months therefrom.

5. During the course of argument, the learned counsel appearing for both the parties have not disputed total amount of Rs. 3,75,000/- till date. Therefore, considering the need of the Applicants, the Applicants are permitted to withdraw the entire amount on furnishing undertaking that if the order is varied or modified or set aside, in that event the Applicants shall deposit the said amount before this Court within a period of four weeks therefrom.

6. Accordingly, the Application is disposed off.

(Y. G. KHOBRAGADE, J.)