



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

12 CRIMINAL WRIT PETITION NO. 1895 OF 2023

GANESH KASHINATH WARKARI
VERSUS
SHITAL W/O GANESH WARKARI AND ANOTHER

...
Advocate for the Petitioner : Mr. Dhawale Bhushan S.
Advocate for Respondent Nos.1 and 2 : Mr.Pawar Vaibhav U.

...
CORAM : SHIVKUMAR DIGE, J.
DATE : 12th August, 2024.

P.C.:

1. Heard the learned counsel for the petitioner and learned counsel for the respondents.
2. The learned counsel for the petitioner, on instructions seeks leave to withdraw this petition. The learned counsel further submitted that the directions be given to the Family Court not to influence about withdrawal of this writ petition and the Family Court should consider the evidence produced by the petitioner in respect of his income in proceeding of main maintenance application. The learned counsel further submitted that contentions of both the parties be kept open and directions be given to the Family Court to consider the evidence of both the parties while deciding the main maintenance proceeding.
3. The learned counsel for the respondents submits that the appropriate orders be passed.

4. I have heard both the learned counsel. Considering the submissions of both the learned counsel, writ petition is allowed to withdraw. The petition is disposed of as withdrawn.

5. The Family Court is requested to dispose of the main maintenance proceeding pending before him/her on its own merits. The contentions of both the parties are kept open.

6. The Family Court shall not consider that as this writ petition filed against the interim maintenance order is withdrawn, it means the petitioner is accepting the said maintenance amount. The Family Court shall consider the evidence led by both the parties and on that basis decide the main maintenance proceeding.

7. The Judge, Family Court is requested to dispose of the main maintenance proceeding as early as possible.

[SHIVKUMAR DIGE, J.]

sga