



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION NO. 156 OF 2023

Jaysing Ramchandra Gangathade

... Applicant.

Versus

Reshma Jaysing Gangathade and Ors.

... Respondents.

Ms. Manisha Devkar, for the Applicant.

Mr. Abhijit Devkhile for the Respondent Nos.1 and 2.

Ms. Shilpa Gajare, APP for the Respondent No.3-State.

Coram : Sharmila U. Deshmukh, J.

Date : April 16, 2024.

P. C. :

1. Heard.

2. The challenge in the revision application is to the order dated 2nd May, 2023 directing the Revision-Applicant-husband to deposit the total arrears of interim maintenance failing which the defence to be struck off without further reference to the Court and also directing the Judicial Magistrate First Class not to extend the period to deposit total arrears of interim maintenance on any grounds whatsoever.

3. Learned counsel appearing for the Respondent-wife submits that the arrears of maintenance is of ₹4,10,000/-. Learned counsel for

the Petitioner, on instructions of the Petitioner, submits that without accepting that the arrears are to the tune of of ₹4,10,000/-, revision-Applicant is willing to pay a sum of ₹3,00,000/- within a period of four weeks from today and ₹1,10,000/- within a period of two weeks thereafter. In view of this statement made by the learned counsel for the Revision-Applicant, the learned counsel for the respondent-wife would submit that the said statement be accepted as an undertaking to this Court and the impugned order dated 2nd May, 2023 be set aside subject to the condition that if the arrears of maintenance is not paid within the period as stated above, the order of 2nd May, 2023 to stand revived.

4. Considering that voluntary statement has been made by the learned counsel for the revision-applicant-husband that the arrears of maintenance would be paid, in my opinion, the order dated 2nd May, 2023 striking off defence can be set aside in order to grant an opportunity to the revision-Applicant-husband to contest the matter on merits.

5. In light of the above, the statement of the revision-applicant-husband that the sum of ₹3,00,000/- will be paid within a period of four weeks from today and sum of ₹1,10,000/- will be paid within period of two weeks thereafter is accepted as an undertaking given to

this Court. Subject to the compliance of the undertaking, the order of 2nd May, 2023 is hereby quashed and set aside. In any event, if the payment of ₹4,10,000/- is not made in the manner as stated above, the order dated 2nd May, 2023 to be revived.

6. Revision Application stands disposed of in the above terms.

[Sharmila U. Deshmukh, J.]