

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3381 OF 2024

Pradeep Nimbaji Sawale & Ors.

...Petitioners

Vs.

Rashmi Pradeep Sawale

...Respondent

Ms. Sangita Zunjarrao a/w Rajendra Tajane for the Petitioners.

Ms. Kanchan Phatak a/w Akash Kotecha a/w a/w Shakti Kolekar for Respondent.

CORAM : ARIF S. DOCTOR, J.

DATE : 19TH NOVEMBER, 2024

P.C.:-

1. The present Petition impugns an order dated 7th March, 2020 passed by the Sessions Court, Kalyan by which the Criminal PWDV Appeal filed by the Respondent was partly allowed and Petitioner No.1 (husband) was directed to pay interim maintenance in the sum of Rs.10,000/- to the Applicant from the date of the Application i.e. 2015.

2. It is the contention of the Learned Counsel for the Petitioners that the Respondent has not filed her affidavit before the Trial Court and thus the matter is not proceeding.

3. Ms. Phatak, Learned Counsel for the Respondent sought time to take instructions and file her Vakalatnama as also Affidavit-in-Reply to the present Petition.
4. Let the same be filed on or before 3rd December, 2024. Rejoinder, if any, be filed on or before 10th December, 2024. It is made clear that the Petition will be disposed of at the stage of admission.
5. At this stage, Learned Counsel for the Respondent submitted that the Respondent may be permitted to withdraw the amount of Rs.2 lakhs, arrears of maintenance which has been deposited in this Court.
6. Learned Counsel for the Petitioners very fairly submitted that the Petitioners do not object to the same.
7. Hence, the Respondent is permitted to withdraw the said amount.
8. Stand over to 10th December, 2024.
9. In the meantime, it is made clear that, the Application filed for arrest of the Petitioners before the Trial Court shall not be proceeded with.

(ARIF S. DOCTOR, J.)