



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO. 229/2024 IN
CRIMINAL REVISION NO. 21/2023 (decided)

(Vinod Revaji Sonawane Vs. Sau. Alka Vinod Sonawane & anr)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U.J. Deshpande, Advocate for applicant.
Mr. N.D. Dawda, Advocate for non-applicant Nos. 1 & 2.

CORAM: SANDIPKUMAR C. MORE, J.
DATED : 02/12/2024.

Heard rival submissions.

2. The application filed for extension of time to deposit arrears of maintenance granted to the non-applicant under judgment dated 15.10.2024 passed by this Court in Criminal Revision No. 21/2023. On perusal of the aforesaid judgment, this Court has remanded the matter back to the learned Family Court, Akola for disposal in time bound manner. While remanding matter back, the applicant has been directed to pay the maintenance by way of interim arrangement at rate mentioned in the aforesaid judgment.

3. The learned counsel for applicant submits that the arrears of maintenance are in fact around Rs. 9,40,000/- till today and he has deposited amount around Rs. 4,00,000/-. However, he is contending that he has already deposited

certain amount of maintenance to the present non-applicant in separate proceeding under Protection of Women from Domestic Violence Act ("PWDV") amounting to Rs. 3,00,000/-. Thus, learned counsel for applicant is claiming that there are only arrears of 1,96,000/- as per the aforesaid order dated 15.10.2024. The learned counsel for non-applicants strongly opposed and submits that the amount paid in separate PWDV proceedings cannot be taken into consideration in the instant matter pending before the learned Family Court.

4. Admitted, the amount around Rs. 3,00,000/- is paid by the applicant in separate proceedings under separate order of the concerned Magistrate. In the present matter, the applicant has to comply order of this Court in the matter before the learned Family Court, Akola which is separately filed. Therefore, it would be proper to direct the applicant to deposit the entire arrears as per the aforesaid order of this Court with the Family Court, Akola separately and irrespective of the amount paid in PWDV proceedings. It appears that almost half of the amount of maintenance is paid by the applicant in family Court, Akola. Therefore, for paying the remaining amount, certain time needs to be granted.

5. Under above circumstances, the present application is disposed of with direction to applicant to clear all the arrears of maintenance as per order dated 15.10.2024 of this Court within six weeks from the date of the order. Needles to say that he shall continue to deposit the

maintenance amount as directed regularly with the Family Court, Akola till disposal of the matter before it.

6. The applicant may make agitation to the Court of concerned Magistrate for taking into consideration the amount awarded by the learned Family Court, Akola or this Court while arguing before the concerned Court of Magistrate in respect of quantum of maintenance.

(SANDIPKUMAR C. MORE, J.)

Gohane