



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 72 OF 2024

Atul Kishor Rathod

Vs.

Jayshri Atul Rathod

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. S. Deshpande, Advocate for petitioner.

CORAM :- M. W. CHANDWANI, J.

DATED :- 23.01.2024

Heard.

2. The order dated 23.10.2023 passed below Exh. 14 in Cri. M.A. No. 45/2023 passed by the learned Judicial Magistrate First Class (Court No. 2), Digra, District Yavatmal (for short, "JMFC"), whereby the directions is issued to the employer of the petitioner for attachment of the salary of the petitioner is under challenge in this petition.

3. The contention is that the petitioner has already file a revision application against the order of granting maintenance to the respondent and also moved an application for stay on execution of the order of maintenance. The said revision and stay application are pending before the learned Additional Sessions Judge, Darwaha, District Yavatmal. It is contended that in execution proceeding, the respondent has moved an

application for attachment of the salary of the petitioner and by the impugned order, the learned Magistrate directed the Drawing and Disbursing Officer (DDO) of the petitioner to deduct an amount of ₹3,92,000/- from the salary from the month commencing from November-2023 till April-2025 at the rate, as enumerated in the said order.

4. It is a matter of record that revision against the order of granting maintenance along with stay application is already pending before the learned ASJ, Darwha. The proper course for the petitioner was to press the application for stay before the learned ASJ. When on this ground the Court showed disinclination to entertain this petition, the learned counsel seeks withdrawal of the petition with request for direction to the learned ASJ to decide the stay application expeditiously.

5. In view of the above, the petition is disposed of as withdrawn with direction to the learned ASJ, Darwha to decide the stay application pending on his file in Criminal Revision Application No. 18/2023, preferable within two weeks from today.

6. The petition is disposed of in the above terms.

(M. W. CHANDWANI, J.)