



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

926 CRIMINAL WRIT PETITION NO. 90 OF 2024

**SHILPA W/O UNMESH JONDHALE
VERSUS
UNMESH PANDHARINATH JONDHALE**

....

Ms Sangeeta H. Desarda, Advocate for the Petitioner
Mr. A. P. Deshmukh, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 14.01.2025

PER COURT :-

1. Heard both the sides at length.
2. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record. It is not in dispute that on 11.07.2016, the learned J.M.F.C. Court No.3, Parbhani, passed the judgment and order in Misc. Criminal Application No. 168 of 2015 (Shilpa Unmesh Jondhale Vs. Unmesh Pandharinath Jondhale), directed the present Respondent/original non-applicant to pay Rs.2000/- p.m., towards maintenance to the Petitioner/original Applicant from the date of lodging of the Application under Section 125 of Cr.P.C. i.e. 17.02.2015.

3. It is not in dispute that though the present Respondent is under obligation to pay maintenance amount, but he failed to pay the same and the arrears of maintenance amount to the tune of Rs.1,65,000/- as on 21.09.2022 against him. Therefore, on 21.09.2022, the present Petitioner / wife filed application Exh.29 before the trial Court and prayed for attachment of salary of the present Respondent.

4. On 27.04.2023, the learned trial Court passed an order and directed the D.D.O. of the Respondent to deduct Rs.8,000/- per month from the salary of the Respondent till recovery of Rs.1,65,000/- and to remit it to the trial Court.

5. Thereafter on 21.08.2023, the Respondent / husband filed an application Exh.43 and prayed for setting aside the order of attachment of the salary. On 21.08.2023, the learned trial Court passed the following order:-

"Nazir to accept Rs.8,000/-.

The Respondent submits that he is ready to pay Rs.8,000/- per month regularly. So order of attachment of salary passed below Exhi.29 dated 27.04.2023, is hereby kept in abeyance."

6. Needless to say that as per the judgment and order dated 11.07.2016, the Respondent / husband required to pay Rs.2,000/- per

month towards maintenance to the Petitioner from the date of application i.e. 17.02.2015. Therefore, on 11.01.2025, the Petitioner is entitled to receive monthly maintenance for a period of ten years i.e. Rs.2,40,000/-. Out of which, the Respondent/husband has deposited the total amount of Rs.1,23,000/- till date before the trial Court and undertaken to clear balance amount of Rs.1,17,000/- within a period of five months in equal installments, which comes to Rs.23,400/- plus Rs.2,000/- towards the regular monthly maintenance, from the month of January 2025. The Respondent / husband shall not commit any default.

5. In view of the above, the Writ Petition is disposed of.

[Y. G. KHOBRADE, J.]

SMS