

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4431 OF 2025

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Rajendra Sadashiv Kadam

...Petitioner

Versus

Sou. Megha Rajendra Kadam And Ors

...Respondents

Mr. Anand S. Patil for the Petitioner.

Ms. Megha Rajendra Kadam respondent no. 1 in person.

Mr. S. H. Yadav, APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th NOVEMBER, 2025.

P.C.

1. The challenge in this writ petition is the order passed by the Additional sessions Judge, Kolhapur in Criminal Application No. 24 of 2025 below Exhibit-4 and 13.

2. It is contention of learned counsel for the Petitioner that the Petitioner has challenged the order passed by the Judicial Magistrate, First Class in D. V. proceeding before the learned Sessions Judge. During the pendency of the said appeal, the respondent filed application for execution of maintenance order. The petitioner filed application before the learned Sessions Judge to stay the execution proceeding as appeal is preferred by the petitioner. But the learned

Sessions Judge rejected the said application. Learned counsel further submit that the learned trial Court granted maintenance without considering the evidence produced by the petitioner on record. The said order is challenged. When the appeal is pending, the learned Sessions Judge should have stayed the execution proceeding. Hence, requested to allow the writ petition.

3. It is contention of the respondent party-in-person that the learned Sessions Judge has passed well reasoned order. She needs the amount for her daily expenses and requested to reject the writ petition.

4. Learned APP submits that appropriate order be passed.

5. I have heard bot the learned counsel and the respondent party-in-person. Perused the impugned order.

6. The appeal preferred by the petitioner against the D. V. proceeding is pending. The petitioner has challenged the maintenance order granted by the learned trial Court. It will be the part of hearing of the appeal whether the maintenance amount is proper or not, but the respondent cannot be deprived from getting maintenance amount during the period of hearing of the appeal. Considering this fact, I pass following order.

ORDER

- I. Writ petition is partly allowed.
 - II. The petitioner shall deposit 60% of arrears of maintenance amount ordered by the trial Court before the learned trial Court excluding deposited maintenance amount.
 - III. The respondent is permitted to withdraw the deposited amount by filing appropriate application before the trial Court.
 - IV. The petitioner shall pay 60% of the maintenance amount granted by the trial Court, during the pendency of the appeal regularly.
 - V. The balance 40% of maintenance amount shall be paid to the respondent after decision of the appeal if she succeeds.
7. The writ petition is disposed off.

(SHIVKUMAR DIGE, J.)