



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

CRIMINAL APPLICATION (APPR) NO.159 OF 2024 IN
CRIMINAL REVISION APPLICATION NO. 41 OF 2024

Mohmmad Firoz Kuravale Vs Sau Farah Tayabba w/o Mohmmad Firoz Kuravale and Anr.

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

Court's or Judge's Order

Mr. T.A. Mirza, counsel for applicant.

Mr. A.R. Saxena, counsel for non-applicants.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/02/2025.

1. By this application, the non-applicants are seeking withdrawal of the amount.
2. This Court, by order dated 01/03/2024, directed the present applicant to deposit 50% of the amount of arrears towards maintenance within four weeks.
3. The contentions of learned counsel for non-applicants, is that as per this order, total 50% of the amount is not deposited by the applicant, and thus, there is no compliance of the order of this Court, and therefore, the stay granted be vacated. He has also pointed that there is no stay as far as the withdrawal of the amount by the present non-applicants are concerned, and therefore, they be permitted to withdraw the amount.
4. Learned counsel for the applicant strongly opposed the said application on the ground that he has good case on merit, and there is every chance of success in the present

revision application, and therefore, the non-applicant/wife be restrained from withdrawing the amount.

5. After hearing both sides and on perusal of the impugned order of the Family Court, it appears that the Family Court, after considering the entire evidence on record, directed the present applicant to pay permanent maintenance @ Rs. 60,000/- per month to the wife @ Rs. 20,000/- per month to the child, i.e., non-applicant No.2, from the date of application, i.e. from 20/07/2018.

6. The applicant has deposited Rs. 14 lakhs, whereas, as per the contention of the non-applicants, 50% of the amount is not deposited. Admittedly, after considering the evidence on record, the Family Court has granted the said maintenance. There is stay only to the extent of depositing the arrears of the amount with a direction to deposit 50% of the amount of total arrears, including the interim maintenance but, the applicant has only deposited Rs. 14 lakhs.

7. When applicant approached this Court for extension of time to deposit the amount, this Court has directed to deposit Rs. 2 lakhs within two weeks. The said amount is deposited by the present applicant.

8. Now, the application is filed for withdrawal of the amount. Only submission made that the applicant has a good case is not sufficient to restrain the present non-applicants from withdrawing the amount. There should be some satisfactory reasons from the applicant to restrain non-applicants from withdrawing the amount.

9. The Family Court has granted maintenance after considering the entire evidence on record. If tomorrow the applicant succeeds in the revision application, he is at liberty to recover the said amount. Therefore, at this stage, there is no substance in the contention of the learned counsel for the applicant that the non-applicants may be restrained from withdrawing the amount.

10. In view of that, non-applicants are permitted to withdraw 50% of the amount deposited by the applicant. The amount is to be disbursed to the present non-applicants on due identification and verification.

11. The non-applicant No. 1 is permitted to withdraw the amount and on behalf of non-applicant No.2 also deposit it in her account.

12. Stand over to **20/02/2025**.

[URMILA JOSHI-PHALKE, J.]