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38.apl.71.2025

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

CRIMINAL APPLICATION (APL) NO.71 OF 2025

Indrajeet s/o Baliram Rathod
Vs.
Manisha w/o Indrajeet Rathod

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

Court's or Judge's orders

Mr. S. S. Shingane, Counsel for the applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/01/2025

1. By this application, the applicant seeks quashing and setting aside the order of enhancing the maintenance amount.
2. Issue notice to the non-applicant, returnable after **four weeks**.
3. Learned Counsel for the applicant is permitted to serve the non-applicant by all modes of service.
4. Learned Counsel for the applicant also seeks stay to the recovery proceeding and submitted that as per the earlier maintenance order, the amount of maintenance is already deducted from the salary of the present applicant. He also placed on record the salary slip which shows the deduction towards the maintenance amount. Considering the same, the non-applicant is already receiving the maintenance amount as per the earlier order. At this stage, considering the issue raised by the learned

Counsel for the applicant that the earlier maintenance amount is not adjusted by the trial Court as well as by the Sessions Court while rejecting the revision. In view of the decision of the Hon'ble Apex Court in the case of **Rajnesh Vs. Neha** reported in **2021 AIR SC 569**, there shall be stay to the recovery proceedings, till the appearance of the non-applicant.

5. Stand over after **four weeks**.

(URMILA JOSHI-PHALKE, J.)