IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3028 OF 2026
IN
CRIMINAL WRIT PETITION NO. 530 OF 2026

TAKHABBAL HAKIM ALIAS FAZAL SHAIKH AND ANOTHER
Versus
HAKIM ALIAS FAZAL USMAN SHAIKH AND OTHERS

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Mr. Shaikh Adnan h/f. Mr. Vikrant S. Valse, Advocate for Applicant
Mr. Dhananjay Mane, Advocate for Respondents.

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 23rd OCTOBER, 2026

PER COURT :

1. The present application is filed by the applicants, who are the original respondents, i.e. the wife and son of applicant No.1 and respondent No.1 in this application.

2. The present application is taken up for permitting the applicant no.1 to withdraw the amount deposited by respondent no.1 in this Court. The applicants submit that, pursuant to the order of this Court, respondent no.1 has deposited Rs.1,50,000/- in the Registry of this Court towards the arrears of maintenance that were due for payment. The applicant in the application has stated that, applicant no.2, her son, is suffering from illness and has also incurred huge expenditure on education, and therefore, requires

immediate financial aid. The applicant no.1 was constrained to raise private loans for managing her daily pursuits.

3. Learned Advocate appearing for respondents in this application have resisted the application, stating that the main issue of grant of maintenance is *sub judice* before this Court. Pending the said writ petition, only for the purpose of showing *bona fide*, the amount has been deposited. He submits that he has objection to the grant of this application.

4. Taking into consideration the averments that are made in the application and, more particularly, the fact that the amount is admittedly deposited towards the arrears and dues of maintenance which is granted by the learned Trial Court to applicant Nos.1 and 2, I am of the opinion that there will be no prejudice will be caused, if applicant no.1 is permitted to withdraw the said amount which has been deposited. Hence, the following order :

ORDER

(i) Accordingly the application stands allowed.

(ii) The applicant No.1 is permitted to withdraw an amount of Rs.1,50,000/- deposited in this Court by Respondent No.1 under the order dated 30.04.2026.

(iii) The applicant no.1 is undertakes to this Court that the amount will be utilized for maintenance for herself, and most importantly, for the educational, financial, health and other welfare of applicant No.2, who is a minor.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale