



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1300 OF 2026

IN

CRIMINAL WRIT PETITION NO. 350 OF 2026

Ragini Makarand Balsurkar (kulkarni) And Another

VERSUS

Makrand Deepakrao Balsurkar (kulkarni) And Others

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- Mr. Dudhate Shivaji Namdevrao and Mr. Deshpande Jagdish V, Advocates for Applicants
- Mr. P. V. Barde, Advocate for Respondents/Petitioners in WP 350 of 2026

...

WITH

CRIMINAL WRIT PETITION NO. 350 OF 2026

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 20.04.2026

PER COURT :

CRIMINAL APPLICATION NO. 1300 OF 2026 :-

1. The present Criminal Application is filed by the applicants seeking withdrawal of the amount of Rs. 5,00,000/- deposited by the petitioner in pursuance of the order dated 17.03.2026. The petitioner was directed to deposit the said amount towards arrears of maintenance payable to the applicants as per the order passed by the learned JMFC, Udgir, against which an appeal filed by the petitioner-husband is pending before the First Appellate Court, wherein stay to the said order has been refused.

2. This Court, by order dated 17.03.2026, directed the petitioner to show his bona fides by depositing Rs. 5,00,000/-. It is not in dispute that the petitioner has deposited the said amount by way of Demand Draft on 07.04.2026. The present application is filed by the applicants (wife and child) seeking permission to withdraw the said amount.

3. Learned counsel for the petitioner-husband strongly opposes the application on the ground that the appeal is pending before the First Appellate Court and there is a likelihood of the appeal being allowed. It is, therefore, submitted that the amount should not be permitted to be withdrawn at this stage.

4. Having considered the submissions and the material on record, it appears that the learned JMFC has granted maintenance in favour of the applicants and the First Appellate Court has refused to grant stay to the said order. This Court had directed deposit of Rs. 5,00,000/- towards arrears of maintenance only to secure the interest of the applicants.

5. In view of the above, the application deserves to be allowed. Hence, the following order:-

ORDER

A) The Criminal Application is allowed.

- B) The applicants (wife and child) are permitted to withdraw the amount of Rs. 5,00,000/- deposited by the petitioner before this Court.
- C) The said amount shall be disbursed to the applicants within a period of one week from the date of receipt of this order.

6. The Criminal Application stands disposed of accordingly.

CRIMINAL WRIT PETITION NO. 350 OF 2026 :-

7. At this stage, learned counsel for the petitioner seeks modification of the order dated 17.03.2026, whereby this Court had directed the petitioner to deposit an amount of Rs. 66,000/- per month towards maintenance and house rent, as awarded by the learned JMFC, Udgir vide order dated 16.10.2025, before this Court.

8. Learned counsel for the petitioner submits that instead of depositing the said amount before this Court, the petitioner may be permitted to deposit the same before the learned JMFC, Udgir, so that the respondents can conveniently withdraw the amount.

9. Learned counsel appearing for the respondents (wife and child) submits that they have no objection for such modification.

10. In view of the above, the order dated 17.03.2026 requires modification to the limited extent.

ORDER

- A) The order dated 17.03.2026 is modified to the extent that, instead of depositing Rs. 66,000/- before this Court, the petitioner shall deposit the said amount before the learned JMFC, Udgir, regularly every month.
- B) Upon such deposit, the learned JMFC, Udgir shall permit the respondents (wife and child) to withdraw the said amount.

11. Considering the nature of the dispute between the parties, there appears to be scope for amicable settlement through mediation.

12. Hence, Mr. S. P. Katneshwarkar is appointed as Mediator.

13. The parties are directed to appear before the learned Mediator on 27.04.2026. The learned Mediator is requested to submit a report within a period of three weeks thereafter.

14. Stand over to **08.06.2026**.

15. Interim relief granted earlier shall continue till further orders.

(MEHROZ K. PATHAN, J.)