

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1238 OF 2011

Smt. Priya Manishkumarji Karnavat ... Petitioner.

V/s.

Shri Manishkumar Anilkumarji Karnavat
& Ors. ... Respondents.

Mr. Prathamesh Bhargude, Advocate for the Petitioner.
Ms. Anita Bafna, Advocate for Respondent No.1.
Mr. A. R. Patil, APP for the State.

**CORAM : M.L.TAHALIYANI,J.
DATE : 17th APRIL, 2015**

P.C. :

1 Heard the learned counsel appearing for the petitioner, learned counsel appearing for respondent no.1 and learned APP for the State.

3 The petitioner is the wife of respondent no.1. She has filed an application under section 12 of the Protection of Women from Domestic Violence Act and it is pending before the court of learned Judicial Magistrate, First Class, Pune. The learned Judicial Magistrate while deciding the interim application had directed Respondent No.1 to pay an amount of Rs. 5000/- and Rs.3000/- per month to the wife and girl child respectively. This amount has been reduced in an appeal by

the Sessions Court and it is directed that the respondent no.1 shall pay Rs. 3,500/- and Rs.3000/- respectively to the wife and child by way of maintenance. The main application is pending since last more than six years. The present petition is also pending in this court for about three years.

4 Section 12 (5) of the Protection of Women From Domestic Violence Act, 2005 enjoins upon the Magistrate to dispose of the application within a period of sixty days. However, experience has shown that most of the applications are pending for years together and litigants are fighting over interim orders. This situation is not good for smooth functioning of the trial court. In my opinion the trial court shall see to it that as far as possible the main application shall be decided as expeditiously as possible. The trial court shall not adjourn the application only because some interim order is passed and some relief is given to the aggrieved person.

5 For all these reasons, I am not inclined to interfere with the order passed by the appellate court. The petition deserves to be dismissed.

6 However, I am of the view that the application pending in the court of learned Magistrate under section 12 of the Protection of Women from Domestic Violence Act shall be decided within 30 days from the date of receipt of this order. It

is made clear that the learned Magistrate shall not apply for extension of the time. If such an application is received, it will be viewed seriously.

7 The present writ petition stands dismissed with the above directions. Rule is discharged.

(JUDGE)

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