

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

WRIT PETITION NO.4086 OF 2015

Cyrs Homi Mistry

.. Petitioner

Versus

Roshan Cyrus Mistry

.. Respondent

Mr. Varad Deore, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 31st MARCH 2016

PC.

1. The above Writ Petition takes exception to the order dated 06.12.2008 passed by the Learned Judge of the Family Court, Pune allowing Exh.5 in PE No.148 of 2008. By the said order, interim maintenance of Rs.10,000/- has been granted to the Respondent under Section 125 of the Cr.P.C. In so far as the said proceedings being PE No.148 of 2008 are concerned, they were initially stayed by a Learned Single Judge of this Court by order dated 10.04.2014 passed in Criminal Writ Petition No.1427 of 2014. The said Criminal Writ Petition has been filed challenging the other interlocutory orders passed in the said proceedings. The said Writ Petition was thereafter admitted by another Learned Single Judge by order dated 23.09.2015 and the ad-interim order was continued. Hence, in so far as the proceedings being PE No.148 of

2008 are concerned, they stand stayed in view of the order passed in the said Criminal Writ Petition. The above Petition has been filed challenging the said order dated 06.12.2008 as according to the Petitioner there are change in circumstances which do not warrant the payment of any maintenance. It is not necessary for this Court to go into the said aspect. It is also not necessary for this Court to entertain the above Petition. Since the said proceedings being PE No.148 of 2008 are stayed, it would be open for the Petitioner to file an application in the said Criminal Writ Petition for seeking a direction that application for variation of the order dated 06.12.2008 be considered by the Family Court in the light of the change in circumstances. Hence, on the application of the Learned Counsel for the Petitioner, the above Petition is allowed to be withdrawn with liberty to file such an application.

[R.M. SAVANT, J]