

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

**WRIT PETITION NO. 2335 OF 2017**

|                                  |                 |
|----------------------------------|-----------------|
| Mr. Manoj Rampaltan Jaiswal      | ....Petitioner  |
| Versus                           |                 |
| Mrs. Neelam Manoj Jaiswal & Anr. | ....Respondents |

Mr. Vinay Bhanushali with Prastut Dalvi i/b. Suhail Sheriff  
for the petitioner.  
Mrs. N.S. Jain, APP for the State.  
Ms. Sharon Patole i/b. Nayana Pardesi for respondent no.1.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATE : 28<sup>th</sup> NOVEMBER, 2017***

**P.C. :**

1. With the consent of the parties, the petition is heard finally at the stage of admission.
  
2. By this petition, the petitioner has challenged the order dated 08<sup>th</sup> February, 2017 whereby the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay has declined to stay the execution of order dated 16<sup>th</sup> November, 2016 passed by the learned Metropolitan Magistrate, 62<sup>nd</sup> Court, Dadar, Mumbai in C.C.No.47/DV/2016.
  
3. By order dated 16<sup>th</sup> November, 2016 passed in

C.C.No.47/DV/2016, the petitioner who is the husband of the respondent no.1 has been directed to pay Rs.25,000/- (Rupees Twenty Five Thousand) to the respondent no.1 and the two children towards interim maintenance. The petitioner has challenged the said order before the Sessions Court and sought stay of the said order. The learned Sessions Judge has declined to stay the order. Hence this petition.

4. Mr. Vinay Bhanushali, learned counsel for the petitioner has submitted that the petitioner has paid to the respondent no.1 sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) and that the arrears are to the tune of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand).

5. The petitioner is directed to deposit before the Sessions Court sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand) within four months in four equal installments. The petitioner shall continue to pay Rs.15,000/- (Rupees Fifteen Thousand) per month towards interim maintenance till the disposal of Criminal Appeal No. 958 of 2016 pending before the Sessions Court, Greater Bombay.

6. Ms. Sharon Patole, learned counsel for respondent no.1 undertakes to give the bank details of the respondent to the counsel for the petitioner within seven days to enable the respondent no.1 to directly deposit the interim maintenance of Rs.15,000/- by RTGS.

7. The interim maintenance of Rs.15,000/- to be deposited in the

account of the respondent on or before 10<sup>th</sup> day of every month. The respondent no.1 is also at liberty to withdraw Rs.1,00,000/- (Rupees One Lakh) towards the arrears which the petitioner is ordered to pay.

8. In the light of above, Writ Petition stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**