

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.455/2015 AND 795/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. A. Siddiqui for the petitioner in 455/2015
Mr. Imtiyaz A. Z. Patel for the respondent in 455/2015 and for the petitioner in 795/2015

CORAM : K. K. TATED, J.

DATE : AUGUST 2, 2017

P.C.:

1. Heard. Writ Petition No.455/2015 is filed by the wife challenging judgment dated 03.12.2014 passed by the learned Sessions Judge, Greater Mumbai in criminal appeal No.755/2013 allowing the respondent husband's appeal directing husband to pay sum of Rs.40,000/- pm by way of maintenance instead of Rs.60,000/- as awarded by the learned Magistrate.

2. Writ Petition No.795/2015 is filed by the husband challenging the same order dated 03.12.2014 as that of the wife.

3. After arguing for some time, both the counsel submit that they do not want to press their respective Writ Petitions. The learned counsel for the husband in Writ Petition No.795/2015 submits

that he is ready and willing to pay maintenance charges @ Rs.60,000/- pm to wife from the month of August 2017 till hearing and final disposal of Criminal Case No.15/DV/2013 filed by the wife in the court of Metropolitan Magistrate, Andheri u/s.12, 18, 19, 20 of the Protection of Women from Domestic Violence Act, 2005. He submits that in the interest of justice, this Hon'ble Court be pleased to expedite the hearing of Case No.15/DV/2013 and direct the learned Magistrate to decide the same as early as possible within 12 months from today.

4. The learned counsel for the wife in Writ Petition No.455/2015 submits that they have no objection if the aforesaid order is passed. To that effect, both the counsel have filed consent minutes of order dated 02.08.2017. Same is taken on record and marked "X" for identification.

5. In view of the consent minutes of order filed by the parties, following order is passed:

- a. Both the Writ Petitions stand disposed of as withdrawn.
- b. No order as to costs.
- c. The petitioner in Writ Petition No.795/2015

to pay sum of Rs.60,000/- pm by way of maintenance charges to wife from month August 2017 on or before 10th day of each month till hearing and final disposal of criminal case No.15/DV/2013 pending before the Court of Metropolitan Magistrate, Andheri.

d. Hearing of criminal case No.15/DV/2013 pending before the Metropolitan Magistrate filed u/s.12, 18, 19, 20 of the Protection of Women from Domestic Violence Act, 2005 is expedited.

e. This court expects that the learned Magistrate would decide the said case within 12 months from the date of receipt of copy of this order.

f. In case of difficulty, liberty granted to both the parties to move before this court, for further orders.

g. Both the counsel agreed that they shall cooperate the learned Magistrate to dispose of the proceedings as early as possible.

h. Parties to act on an authenticated copy of this order.

JUDGE