

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3632 OF 2016**

Mrs. Sonia Abhijit Gothoskar Petitioner
(Ori. applicant)

Vs.

Mr. Abhijit Vishwanath Gothoskar.... Respondents
& Ors.

Mr. Vikas B. Shivarkar, Advocate for the Petitioner.
Mr. Y.Y. Dabke, A.P.P. for the respondent- State.

Coram : Smt. R.P. SondurBaldota, J.

Date : 15th February, 2017

P.C.

1 This petition is directed against the concurrent findings of fact at the interim stage by the courts below for grant of interim reliefs to the petitioner.

2 The petitioner has filed proceedings under the Prevention of Women from Domestic Violence Act and seeking various reliefs thereunder. Respondent no.1 is her husband. Respondents no. 2 and 3 are her parents-in-law. Respondents no. 4 to 11 are the different relatives of the husband. The petitioner had filed application at Exhibit-5 for grant of interim maintenance of Rs.1,00,000/- per month for herself and for the

son, who at the relevant time was 3½ years old. According to the petitioner, the child suffers from autism and needs regular treatment. By the order dtd. 30th March, 2011, the trial Court partly allowed the application and directed respondent no.1 to give Rs.30,000/- towards deposit of the rental premises and Rs.9,000/- p.m. towards the rent of rental premises. It also directed him to pay a sum of Rs.20,000/- towards the medical expenses of the child. Being aggrieved by the order of denial of maintenance to her, the petitioner had approached the Sessions Court by filing Criminal Appeal No.206 of 2011. The Sessions Court dismissed the appeal, however, directed the trial court to dispose off the proceedings expeditiously.

3 Admittedly, before the trial court, as well as, before the Sessions Court, the petitioner had neither produced any material to indicate the monthly income of respondent no.1 nor the documents relating to the health of the child. Respondent no.1, on the other hand had produced his salary certificate, on the basis of which the trial court had passed the order. This was one of the reasons for the Sessions Court to dismiss her appeal. Also, respondent no.1, has filed a petition for divorce in the Family Court at Pune being Matrimonial Petition No. 845 of 2009. By the interim order passed in the petition, the interim maintenance of Rs.6,000/- per month has been granted to the petitioner. Thus, the total amount received by the petitioner per month is of Rs.15,000/- per month.

4 Mr. Shivarkar, the learned advocate for the petitioner, submits that, at the relevant time the petitioner was in the process of collecting additional material about the ailment of her son. However, since she had to attend to the court proceedings, as well as, to the treatment of her son, she was unable to produce the documents before the Court. This claim of the petitioner which is without any particulars whatsoever could be accepted, only if the petitioner were to produce the entire material before this Court. All that the petitioner has produced before this Court, is the copies of the proceedings before the Courts below. She has not produced any material in support of the maintenance sought by her under different heads. In any case, the impugned order is only an interim order and the Sessions Court has already expedited the hearing of the main proceedings before the trial Court. Therefore, no interference with the impugned order is required at the hands of this Court. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)