

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

WRIT PETITION NO. 32 OF 2018

Arif Abdul Nabi Shaikh

... **Petitioner**

V/s.

The State of Maharashtra & Ors.

... **Respondents**

Mr. Murtuza Najini i/b Mr. M.R. Thakkar for the Petitioner.

Mr. Rajan Salvi, APP for the Respondent No.1/State.

Ms. Sandhya Mailagir i/v Anil Joshi for Respondent No.2.

CORAM : BHARATI H. DANGRE, J.

DATE : 05th APRIL, 2018

P.C.:

. The Petitioner assails the order dated 30.10.2017. Perusal of the said Order would reveal that it discloses no reason. The order mentions that since 2016, the Respondent and his Advocate did not file reply. Therefore, the Court proceeded to direct the Respondent/husband to pay an amount of Rs.2,000/- to the wife and the son as an ad-interim from the date of application towards ad-interim maintenance.

The said Order cannot be sustained in law. Reasons are sine qua non and they are, none the less, the soul of a judicial decision. In absence of the reasons being recorded, the order cannot be sustained. The impugned order dated 30.10.2017 is quashed and set aside. The application filed by the

Respondent/Wife claiming maintenance is directed to be decided afresh by taking into consideration the reply filed by the Respondent which is already on record. The Petitioner is directed to pay an amount of Rs.5000/- by way of costs to the Respondent/Wife within a period of four weeks.

2 Writ Petition is allowed in aforesaid terms.

(BHARATI H. DANGRE, J.)