

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 2442 OF 2016**

Lalit Satyanarayan Saraswat

....Petitioner.

Vs.

Maya Lalit Saraswat & Anr.

....Respondents.

Ms. Asha Shah for the Petitioner.

Mr. Omprakash Dubey for the Respondent No.1.

Mr. S.S. Hulke APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 5th OCTOBER, 2018.****P.C.:-**

The present Petition is directed against the interlocutory Order passed by the learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai under Section 23 of the Protection of Women From Domestic Violence Act, 2005, (the said Act), granting interim maintenance to the Respondent wife of Rs.20,000/- per month, from the date of filing of the said Application i.e. from 16th December, 2013. The Criminal Appeal bearing No. 853 of 2015 preferred by the Petitioner has been dismissed by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai by its Judgment and Order dated 1st April, 2016.

2 The main Application filed under Section 12 and other

allied Sections of the said Act bearing CC No. 43/DV of 2013 is pending for final adjudication on the file of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai. The Petitioner is yet to lead evidence in support of his contention which undoubtedly, the Trial Court will take into consideration.

3 May that as it may. After perusing the impugned Order dated 5th December 2014 passed under Section 23 of the Protection of Women From Domestic Violence Act, this Court is of the considered view that, the Trial Court has not committed any error either in law or on facts, while granting interim maintenance to the Respondent No.1 and therefore the interference of this Court under its jurisdiction under Article 227 of the Constitution of India is unwarranted.

4 Petition is accordingly rejected.

5 As the Application filed under Section 12 of the Protection of Women From Domestic Violence Act, 2005 filed by Respondent No.1 is pending for final adjudication since 2013, the learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai is hereby directed to expedite the hearing of the said Application.

(A.S. GADKARI, J.)