

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 107 OF 2019

VIKRAM FERNANDO VELHO ... PETITIONER

Versus

LIZ HENRIETTA DO CARDO GRACIAS ... RESPONDENT

Mr. S.D. Lotlikar, Senior Advocate with Mr. Chaitanya Prakash Padgaonkar, Advocate for the Petitioner.

Mr. Aires Rodrigues, Advocate for the Respondent.

CORAM:- C. V. BHADANG, J.

DATE: 26th APRIL, 2019

ORAL ORDER:

Heard Mr. Lotlikar, the learned Senior Counsel for the petitioner and Mr. Rodrigues, the learned Counsel for the respondent. Perused record.

2. An appeal is filed by the petitioner, challenging the order dated 20.03.2019, passed by the learned Magistrate, directing interim maintenance of Rs.75,000/- per month, to be paid to the respondent, which is pending before the learned Sessions Judge and is now fixed on 08.05.2019.

3. By an order dated 05.04.2019, the learned Sessions Judge has refused to grant stay, placing reliance on the decision of the Supreme Court in the case of **Shalu Oja Vs. Prashant Oja 2015 (2) SCC 999** and the decision of the Karnataka High Court in the case of **Smt. Yashawini Vs. Mr. M. Anegudde Ganesh ILR 2016 KAR 2155**. It is the order dated 05.04.2019, passed by the learned Sessions Judge, which is subject matter of challenge in this petition.

4. The learned Senior Counsel for the petitioner submits that in order to arrive at a workable arrangement, so that the appeal can be heard on its own merits, the petitioner, without prejudice to his rights and contentions, will deposit Rs.1 lakh towards the arrears of maintenance, before the learned Sessions Judge on or before 06.05.2019.

5. The learned Counsel for the respondent has submitted that presently, the respondent is in U.K. and she is not likely to come back to India atleast till first week of June, 2019. As such, for the present, there is no question of enforcement of paras 2 and 3 of the impugned order.

6. In such circumstances, by consent of parties, the following order is passed:

ORDER

- (i) The petitioner shall deposit an amount of Rs.1 lakh, before the learned Sessions Court, on or before 06.05.2019.
- (ii) On such deposit being made, the learned Sessions Judge is directed to hear and to decide the appeal latest by 10.06.2019.
- (iii) The learned Magistrate shall not execute the order dated 20.03.2019 till 10.06.2019.
- (iv) The petition is disposed off in the aforesaid terms.

C.V. BHADANG, J.

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