

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

CRIMINAL WRIT PETITION NO.2690 OF 2019

Kulwinder Singh Gurudev Singh Bansal ...Petitioner

Versus

Jeevanjyot Kaur Bansal & Anr. ...Respondents

Mr.Ashok M. Saraogi for the Petitioner.
Mr.Niranjan Mundargi i/b.Mr.Ninad Muzumdar for Respondent No.1.
Mr.A.R.Patil, APP for Respondent – State.

CORAM : S.S. SHINDE, J.
DATE : 13th SEPTEMBER 2019

P.C.:

1. Learned Counsel appearing for the petitioner, on instructions, submits that till date, the petitioner has deposited Rs. 15,00,000/- (Rupees Fifteen Lacs only) in the account of respondent No.1.

2. The statement made by learned Counsel appearing for the petitioner is not disputed by learned Counsel appearing for respondent No.1. He, on instructions, submits that Rs. 15,00,000/- (Rupees Fifteen Lacs only) is deposited in the account of respondent No.1 by the petitioner.

3. It is made clear that the petitioner is permitted to deposit the said amount without prejudice to the contentions of the parties.

4. Learned Counsel appearing for the petitioner, on instructions of the petitioner, who is present in the Court, submits that the petitioner will not pursue the reliefs claimed in the present petition, in case this Court is inclined to direct the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, to decide Case No. 32/DV/2018 on its own merits and after giving an opportunity to both the parties to put forth their contentions on merits within stipulated period. However, he further submits that, till the said proceedings are decided by the said Court, the petitioner may not be in a position to deposit an amount towards interim maintenance as ordered by the trial Court.

5. Learned Counsel appearing for the petitioner, on instructions, submits that the petitioner will not seek any adjournment before the trial Court on the ground of pendency of any other proceedings in any other Court filed by the petitioner or his father or by respondent No.1 touching to the subject matter of the present proceedings pending before the learned Magistrate.

6. In response to the submissions made by learned Counsel appearing for the petitioner, learned Counsel appearing for respondent No.1, on instructions of respondent No.1, who is present in the Court, submits that respondent No.1 has no objection if the directions are given to the trial Court for disposal of Case No. 32/DV/2018 within stipulated period. However, he submits that the petitioner shall continue to pay monthly interim maintenance as directed by the trial Court to respondent No.1.

7. In the light of submissions made across bar and in view of assurance of learned Counsel appearing for the petitioner and respondent No.1 that, as and when the matter will be listed before the said Court, the parties will not ask for unnecessary adjournment and will proceed with hearing, unless there is compelling or exceptional reasons for seeking such adjournment.

8. The learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai is directed to decide Case No. 32/DV/2018 on its own merits and in accordance with law, however, after giving an opportunity to both the parties to put forth their contentions, as expeditiously as possible, however, within a period of eight weeks from receipt of copy

of the order passed by this Court. All the contentions raised on merits in the petition and reply filed by respondent No.1 are kept open for being agitated before the trial Court. Since the trial Court is directed to decide the aforesaid case within a period of eight weeks from receipt of copy of the order passed by this Court, the directions given by the said Court to pay interim maintenance to respondent No.1 shall remain stayed for eight weeks from the receipt of copy of the order.

9. It is informed by learned Counsel appearing for the parties that the next date fixed before the trial Court is 21.09.2019.

10. The trial Court shall proceed with the hearing of the aforesaid case on its own merits on the said date, the parties shall extend full co-operation for early disposal of the said case.

11. Needless to observe that all the applications pending before the trial Court shall be decided by the said Court at the time of deciding the main case.

12. In view of above, Writ Petition stands disposed of.

(S.S. SHINDE, J.)