

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5009/2017

ARCHANA AVDESH MITTAL ... PETITIONER.

VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER ... RESPONDENTS.

Mr.Kamlesh Vaswani,Advocate for the petitioner.

Mr.S.V.Gavand, APP for State.

Mr.Jatin Sehgal, Advocate a/w Akshay Malviya, Kailash Baug
and Mr.Madhav Narayan for respondent no.2.

CORAM : A. M. BADAR, J.

DATE : 12TH FEBRUARY 2020.

P.C.:

1. It is reported by the learned counsel for respondent no.2 that the main proceedings i.e. application under Section 12 of the ‘Protection of Women from Domestic Violence Act, 2005’ which is registered as Miscellaneous Application

No.62/2016 is already dismissed for want of prosecution on 12.10.2017 by the learned J.M.F.C., Vashi.

2. Learned counsel for the petitioner submits that he is taking necessary steps for getting main application i.e. Miscellaneous Application No.62/2016 restored to the file of J.M.F.C., Vashi.

3. In the instant petition, interim order passed in that petition which is already dismissed for want of prosecution, is being challenged. That order is passed in an appeal arising out of award of interim maintenance.

4. As the main matter i.e. Miscellaneous Application No.62/2016 is dismissed for want of prosecution, present petition can not survive. Same is, therefore, dismissed with liberty to approach this Court as and when occasion arises in the event of restoration of original proceedings.

(A. M. BADAR, J.)

