

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 203 OF 2022

Sanya Sachdeva @ Sanya Abhinav Gupta ... Petitioner

Versus

Abhinav Gupta ... Respondent

Ms. Asha Desai, Advocate with *Ms. N. Volvoikar, Advocate for the Petitioner.*

CORAM: SANDEEP K. SHINDE, J

DATED: 29th June 2022

P.C.

1. Heard Ms. Desai, learned Counsel for the Applicant.
2. The Applicant instituted proceedings under Section 12 of The Protection of Women from Domestic Violence Act, 2005. The learned JMFC 'G' Court, at Mapusa, granted interim maintenance, of protection and residence orders on 10.08.2021, in terms of which, the Respondent was directed to pay ₹1,50,000/- per month maintenance, from the date of filing of the application for interim maintenance. That order was challenged in Criminal Appeal No. 32 of 2021 before the Additional Sessions Judge, Mapusa. Roznama

placed on record shows that on 20.09.2021, notice in Appeal was issued to the Respondent-wife; on 18.11.2021 Advocate, appearing for the wife sought time to file Wakalatnama, thus, proceedings were adjourned to 07.02.2022. On that day, holiday was declared and therefore application was taken up on 08.02.2022 and adjourned for further consideration on 07.03.2022. On the same day, i.e. 07.03.2022, without hearing the Applicant-wife, the learned Additional Sessions Judge, Mapusa, suspended the maintenance interim order till further orders. As a result, the Execution Proceedings instituted by the wife have been stalled. *Prima Facie*, the roznama indicate that impugned order was passed in breach of principles of natural justice and, therefore, not sustainable. It is unjust order. In any case, I am informed that the Appeal is listed for consideration on 05.08.2022. If that be so, the learned Sessions Judge shall hear the Applicant-wife and decide the stay application, moved by the Respondent on its own merits.

3. For all these reasons, the order dated 07.03.2022 being passed without hearing the Applicant, is quashed and set aside.

4. The Petition is allowed in the aforesaid terms on that point alone and disposed of.

5. It is made clear that the learned Sessions Judge shall decide the Appeal proceedings in accordance with law without being influenced by this order.

6. Parties shall appear before the Appellate Court on 5th August 2022.

SANDEEP K. SHINDE, J