

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.209/2018

PRAMILA PREMNATH GADEKAR
w/o Premnath P. Gadekar, major in age,
R/o H.No. 354/4, Shetye waddo,
Duler, Mapusa-Goa.
Presently r/o C/o H.No. 461/B,
Podwal, Corjuem, Aldona, Bardez, Goa.

...PETITIONER

Versus

1. MR. PREMNATH P. GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

2. MR. VASANT GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

3. MRS. VASUDHA GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

4. MR. BHANUDAS GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

5. MRS. KANCHAN B. GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

6. MR. PRADEEP A. GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

7. MRS. ROSHAN P. GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

8. MR. VIJAY A. GADEKAR,
R/o H.No. 354/4, Shetye Wado,
Duler, Mapusa, Goa.

9. MRS. KUNDA S. MANDREKAR,
R/o H.No. 365, Podwal, Corjuem,
Aldona, Bardez-Goa.

10. MR. SATYAWAN D. MANDREKAR,
R/o H.No. 365, Podwal, Corjuem,
Aldona, Bardez-Goa.

...RESPONDENTS

Ms. Gautami Kamat, Advocate U/LAS for the Petitioner.
Mr. Amey Phadte, Advocate for the Respondents No.1 to 8.

CORAM: M. S. SONAK, J.

DATED: 17th January 2022

P.C.:

1. Heard Mr. Gautami Kamat, learned counsel appointed under the Legal Aid Scheme for the petitioner, and Mr. Amey Phadte, learned counsel for the respondents no.1 to 8.

2. After this matter was argued for some time, the same is now being disposed of by making the following order:-

(i) The statement made by Mr. Phadte based on the instructions from respondent no.1 that respondent no.1, without prejudice to his rights and contentions, will pay

interim maintenance of ₹5,000/- per month to the petitioner effective from January 2022 is hereby accepted. Respondent no.1, consistent with this statement will have to pay this interim maintenance on or before the 5th day of each succeeding month. The interim maintenance for January 2022 shall now be paid on or before 27.01.2022.

(ii) The interim maintenance shall be paid directly to the petitioner or be deposited before the Trial Court from where the petitioner can withdraw the same.

(iii) Towards arrears, respondent no.1 has agreed to pay a lump-sum amount of ₹2 lakhs within two months from today. Again, this statement is accepted and respondent no.1 is directed to comply with the same. The amount can be directly paid to the petitioner or be deposited before the Trial Court from where the petitioner can withdraw the same.

(iv) The aforesaid statements and payments/deposits by respondent no.1 shall be without prejudice to the rights and contentions of respondent no.1. Similarly, the acceptance of these amounts shall also be without prejudice to the rights and contentions of the petitioner for claiming

further and additional amounts right from the date of the institution of the petition seeking maintenance and other reliefs.

(v) If, within two months the amount of ₹2 lakhs is indeed paid or deposited by respondent no.1, then, the Trial Court should consider disposing of the proceedings pending before it under the Domestic Violence Act as expeditiously as possible and in any case within six months from the date of such payment/deposit.

(vi) Fair opportunity should be granted to both the parties and in particular, the petitioner, should not delay or prolong these proceedings now that an order has been made for interim maintenance. If there is an unnecessary delay, then, the Trial Court will be at liberty to vary/reduce this amount of interim maintenance. Similarly, if there is an unnecessary delay on the part of the respondents, the Trial Court will be at liberty to increase this amount of interim maintenance.

(vii) The contentions of all parties on merits are expressly kept open for determination by the Trial Court in the pending proceedings which are now ordered to be expedited.

3. The impugned orders stand modified in the aforesaid terms. Further, it is made clear that the Trial Court will dispose of the pending proceedings uninfluenced by any observations made in the impugned orders or for that matter in the present order.

4. This Court records its appreciation for the efforts put in by Ms. Gautami Kamat, learned counsel appointed under the Legal Aid Scheme to appear on behalf of the petitioner. The Registry to ensure that Ms. Kamat is paid the fees in terms of the rules at the earliest. This payment of fees is in addition to the gratitude which the Court expresses to her.

5. Similarly, this Court also appreciates the fair and reasonable approach of Mr. Phadte, learned counsel for the respondents.

6. The petition is disposed of in the aforesaid terms without making any order for costs.

M. S. SONAK, J.