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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 10 OF 2020

AMIT AJIT DABOLKAR AND 4 ORS., ...PETITIONERS
Versus
NIRJALA A. DABOLKAR., ...RESPONDENT

Mr. Nigel Costa Frias, Advocate *for the Respondent.*

WITH
CRIMINAL WRIT PETITION NO. 263 OF 2019

NIRJALA A. DABOLKAR., ...PETITIONER
Versus
AMIT AJIT DABOLKAR AND 4 ORS., ...RESPONDENTS

Mr. Nigel Costa Frias, Advocate *for the Petitioner.*

CORAM: MANISH PITALE, J.

DATED: 10th February 2022.

P.C.:

1. In Criminal Writ Petition No. 10/2020, this Court had passed an order on 06.10.2021, directing the petitioner (husband) to deposit an amount of ₹3,71,000/- within a period of six weeks from the date of the order of this Court. A further

direction was given to the petitioner to deposit an amount of ₹5,000/- per month towards interim maintenance for the child and ₹3,000/- per month for the wife i.e. total of ₹8,000/- per month during the pendency of the said Criminal Writ Petition. It was also made clear that if there was failure on the part of the petitioner, either to deposit the arrears of ₹3,71,000/- or if there was continuous default on two occasions with regard to the monthly deposit, the interim order dated 06.10.2021 would stand vacated.

2. By order dated 29.11.2021, time period for depositing the amount of ₹3,71,000/- was extended by another four weeks. It was made clear that in case of default, the interim order granted on 06.10.2021 would stand vacated.

3. It is an admitted position that no such deposit was made and hence, by order dated 21.01.2022, this Court recorded the fact that due to default on the part of the petitioner, the interim order dated 06.10.2021 stands vacated. By the said order dated 21.01.2022, the aforesaid Writ Petition was directed to be listed today and it was further directed to expedite the proceedings in the Execution Application filed by the respondent in DVA Case No. 10/2016. On the said date i.e. on 21.01.2022, none appeared on behalf of the petitioners and hence, it was made clear

that if there is no representation on behalf of the petitioners today i.e. on 10.02.2022, this Court would consider dismissing the aforesaid Criminal Writ Petition in default.

4. Today, when the aforesaid Criminal Writ Petition is called out for hearing, again, none has appeared on behalf of the petitioners, while the respondent is represented by Mr. Costa Frias.

5. In view of the above, Criminal Writ Petition No. 10/2020 is dismissed in default. Criminal Writ Petition No. 263/2019 filed by the respondent (wife) shall now be listed independently for further consideration on 07.03.2022.

6. If Records and Proceedings have been received by the Registry of this Court, the same shall be sent forthwith to the Court of Judicial Magistrate First Class, Mapusa for facilitating further proceedings in the Execution Proceedings.

MANISH PITALE, J.