

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 104 OF 2022

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Qaiser Qamar Akmal Ansari ...Petitioner
Vs.
1. Mrs.Shabana Qaiser Ansari
and
2. State of Maharashtra .. Respondents

Mr. Vivek Pandey a/w. Mr.Girish Agarwal and Ms.Ridhima
Mangaonkar and Mr.Aayush Tiwari for petitioner.

Mr.H.J. Dedhia, APP for respondent No.2-State.

CORAM : N. J. JAMADAR, J.
DATE : 20th APRIL, 2022

P.C.:

1. Heard the learned counsel for the applicant.
2. The challenge in this petition is to an order passed by learned Family Court No.2, Mumbai in Petition No. Cri.E-103 of 2019. By the said order, the learned Judge directed the respondent-petitioner herein to pay *ad-hoc* interim maintenance at the rate of Rs.20,000/- per month.
3. The learned counsel for the petitioner submits that the impugned order was passed without providing an effective opportunity of hearing to the petitioner. Though the order records that the maintenance is to be paid by way of *ad-hoc* interim arrangement, the main application is now posted for hearing.
4. Having regard to the nature of the order, which is

essentially an ad-interim order, no interference is warranted in exercise of extraordinary jurisdiction. So far as the grievance of the petitioner that the petitioner was not heard, while determining the quantum of *ad-hoc* maintenance, the petitioner is at liberty to file an application before the learned Judge, Family Court to seek determination of interim maintenance, after providing an opportunity of hearing to the petitioner.

5. It is hereby made clear that till the order of *ad-hoc* interim maintenance remains in force, the petitioner shall pay the interim maintenance in terms thereof.

6. This order may not be construed as interfering with the quantum of *ad-hoc* maintenance and the learned Judge, Family Court may decide the application, which may be preferred by the petitioner herein, in accordance with law, without being influenced by any of the observations made hereinabove.

7. The petition accordingly stands disposed.

(N. J. JAMADAR, J.)