

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1665 OF 2022
IN
CRIMINAL WRIT PETITION NO. 1276 OF 2019**

Kashish Anil Bhatia ...Applicant
Versus
Anil Gopal Bhatia And Ors. ...Respondents

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Mr. Raju M. Yamgar a/w Mr. Nikhil Devkar, Advocate for the Applicant
in Interim Application.

Ms. Chaula Solanki i/by H. H. Nagi a/w Ms. Pinkey Kanojia, i/by Nagi
& Associates for Respondents.

Mr. H. J. Dedhia, APP for the Respondent – State.

Mrs. Kashish Anil Bhatia, Applicant, Present.

**CORAM : PRAKASH D. NAIK, J.
DATE : 9th JUNE, 2022.**

PER COURT:

1. This interim application is preferred by the original applicant before the trial Court in Domestic Violence proceedings seeking modification of order dated 20th April, 2022 passed by this Court in Writ Petition No.1276 of 2019. The applicant herein was the respondent No.2 in Writ Petition No.1276 of 2019.

2. The operative part of the order dated 20th April, 2022 reads as follows :-

“ 18. In the circumstances of the case, while dismissing the petition I deem it appropriate to pass the following directions.

(i) The parties shall appear before the learned Magistrate on 6th June, 2022.

(ii) The applicant shall file her affidavit of evidence before the Court on 6th June, 2022.

(iii) The learned Magistrate shall make an endeavour to complete the recording of evidence and pass final order after giving an opportunity of hearing to the parties, within a period of six months from 6th June, 2022.

(iv) The parties shall cooperate the learned Magistrate in deciding the application and shall not seek adjournment except for exceptionally unavoidable circumstances.

Subject to aforesaid directions, the petition stands dismissed.”

3. Learned counsel for the original applicant before trial Court Mr. Yamgar submits that, in view of the decision of the Apex Court in the case of **Rajnish V/s. Neha and Another**¹. Both the sides are required to file the affidavit of assets and liabilities. The order dated 20th April, 2022 passed by this Court does not refer to filing affidavit of assets & liabilities before the trial Court by original applicant. The time limit to file affidavit of evidence is required to be extended. The decision of the Apex Court was not brought to the notice of this Court while disposing of Writ Petition No.1276 of 2019. Learned counsel for original respondent before trial Court submitted that the applicant has been delaying proceedings.

1 (2021) 2 SCC 324

Sajakali Jamadar

4. After having heard both the sides, by consent of both sides the following order is passed :

ORDER

i. The applicant-wife will file her affidavit of assets and liabilities and also file affidavit of evidence within a period of 15 days from today before the trial Court i.e. on or before 24th June, 2022.

ii. The Respondent No.1 – husband will file his affidavit of assets and liabilities within a period of one week thereafter from the date of filing of evidence affidavit by the applicant-wife before the learned Magistrate court i.e. on or before 1st July, 2022.

iii. The applicant-wife is at liberty to file her additional affidavit of evidence if necessary within a period of one week, thereafter, i.e. on or before 8th July, 2022 after analyzing the affidavit of Respondent No.1 – husband regarding his assets and liabilities.

iv. In the event, the applicant-wife fails to adhere timeline in the aforesaid order, the trial Court will be at liberty to pass appropriate order.

v. It is pointed out to this Court that the trial Court had imposed cost of Rs.2,000/- against the original applicant/wife vide order dated 8th June, 2022. The order imposing cost is set aside.

vi. The application preferred by the Respondent – husband seeking dismissal of Domestic Violence proceedings stands disposed of with liberty to the respondent-husband to prefer such application in the event such need arises.

vii. Interim Application No.1665 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)