

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6336 OF 2021

Jeevanjyot Kaur Bansal ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

ALONGWITH
CRIMINAL WRIT PETITION NO. 4044 OF 2021

Jeevanjyot Kaur Bansal ...Petitioner
Versus
Kulvinder Singh Bansal and Anr. ...Respondents

Mr. Amogh Singh i/b Mr. Akram Kapoor for the Petitioner.

Ms. Saveena Bedi i/b Lawhive Associates for the Respondent No.2 in both the petitions.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 22nd MARCH, 2022

P.C. :

1. On 1st March, 2022, the matter was kept to explore the possibility of an amicable settlement. Infact, both the petitioners and the respondent No.2 were present and agreed to explore an amicable settlement.

2. On 1st March, 2022, learned Counsel appearing for the petitioner had pointed out to this Court, that the respondent No.2 was in arrears of 32,85,000/- as per the interim order dated 10th November, 2021 passed by the Sessions Court and in arrears of Rs.72,00,000/- as per the order passed by the D.V. Court, prior to its reduction by the Sessions Court. The said interim order dated 10th November, 2021 has been impugned in this petition.

3. Having regard to the arrears, as pointed out, the respondent No.2 assured on 1st March, 2022 that he will transfer a sum of Rs.5,00,000/- by NEFT/RTGS directly into the account of the petitioner on or before 8th March, 2022. In addition, the respondent No.2 also agreed to deposit 50% of the educational expenses of his daughter, incurred by the petitioner, till date. The details of the educational expenses were to be furnished by the petitioner to the respondent No.2. Vide the said order, it was made clear that the arrears with respect to the balance amount would be considered on the next date i.e. 8th March, 2022.

4. On 8th March, 2022, this Court was informed that the respondent No.2 had transferred Rs.5,00,000/- directly into the account of the petitioner, by NEFT. As far as, payment of 50% of educational expenses

are concerned, the parties were to sit together and work out the details of payment.

5. Today, learned Counsel for the petitioner has tendered an affidavit of the petitioner setting out the details of the educational expenses i.e. Rs.4,41,874/- incurred by her on their daughter. The same is taken on record.

6. Learned Counsel for the respondent No.2 states that the respondent has transferred Rs.1,00,000/- towards the educational expenses of their daughter and will transfer another Rs.1,20,000/- within one week from today. Learned Counsel for the respondent No.2 states that the respondent No.2 has some reservations with respect to some of the receipts annexed to the said affidavit. She also disputes the contents of the affidavit and the documents annexed thereto.

7. Be that as it may. Learned Counsel for the respondent No.2, on the instructions of the respondent No.2, assures to transfer Rs.1,20,000/- within one week, directly into the account of the petitioner. Learned Counsel for the respondent No.2 submits that it is always open for the petitioner to take out appropriate proceedings before the trial Court, with

respect to arrears of maintenance as well for payment of educational expenses of their daughter.

8. In Writ Petition No.6336 of 2021, the petitioner-wife has impugned the interim order dated 10th November, 2021 passed by the learned Additional Sessions Judge, Dindoshi, below Miscellaneous Application (Exhibit-1) filed in Criminal Appeal No. 44 of 2021, by which, the learned Judge reduced the interim maintenance awarded by the trial Court from Rs.2,00,000/- to Rs.1,20,000/-.

9. As far as Writ Petition No. 4044 of 2021 is concerned, the petitioner-wife seeks a direction from this Court for an expeditious disposal of the Execution Application being Miscellaneous Application No. 228 of 2020, filed by her in the trial Court i.e. in D. V. proceedings. Learned Counsel for the petitioner submits that the respondent No.1 is in arrears of about Rs.32,85,000/- as per the interim order passed by the Sessions Court. He submits that the petitioner has filed an application for execution of the maintenance order as awarded by the trial Court, which was subsequently reduced by the Sessions Court, which application is still pending. He submits that an appropriate direction be given to the trial Court to pass appropriate orders in the said Miscellaneous Application No. 228 of 2020

filed in Execution Proceeding, based on the Sessions Court order.

10. Perused the papers. It is not in dispute that the order impugned in Writ Petition No. 6336 of 2021 is an interim order dated 10th November, 2021 passed by the learned Sessions Judge, Mumbai. The petitioner-wife's appeal seeking enhancement of the maintenance amount as well as the respondent No.2-husband's appeal, challenging the maintenance awarded by the trial Court are pending before the Additional Sessions Judge, Dindoshi, Mumbai. Since both the appeals are yet to be heard, it would be appropriate to direct the learned Sessions Judge to decide both the appeals filed by the petitioner-wife as well as the respondent No.2-husband, as expeditiously as possible and in any event, within eight weeks from the date of receipt of this order.

11. In the meantime, the respondent No.2 to continue to comply with the interim order passed by the learned Sessions Court i.e. Rs.60,000/- per month to the petitioner herein and Rs.60,000/- per month to the petitioner's daughter (totaling Rs.1,20,000/- per month).

12. It is made clear that this Court has not gone into the rival contentions advanced by the parties, nor has gone into merits of the interim

order passed by the Sessions Court and as such, all contentions of both the parties are kept open. Both the parties to co-operate in the expeditious disposal of their respective appeals.

13. Writ Petition No. 6336 of 2021 is disposed of on the aforesaid terms.

14. As far as, the Writ Petition No. 4044 of 2021, which seeks a direction to the trial Court to expeditiously decide the Miscellaneous Application filed in Execution Application filed by the petitioner-wife is concerned, the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, to decide the said application seeking execution of the interim order of maintenance as per the order passed by the Sessions Court, as expeditiously as possible and in any event, within eight weeks from the date of receipt of this order.

15. The Writ Petition No. 4044 of 2021 is disposed of on the aforesaid terms.

16. All parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.