

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 64 OF 2022

Namita Sandeep Khanna Vs. Manoj Vasantrya Kumarley

AND

CRIMINAL APPLICATION (APPA) NO. 89 OF 2022

Namita Sandeep Khanna Vs. Manoj Vasantrya Kumarley

AND

CRIMINAL APPLICATION (APPA) NO. 90 OF 2022

Namita Sandeep Khanna Vs. Manoj Vasantrya Kumarley

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R.Vyas, Advocate for the applicant.
Mr. R.B.Mehadia Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/07/2022

Heard Mr. Vyas, learned counsel for the
appellant and Mr. Mehadia, learned counsel for the
respondent.

2] It is contended that in light of the contents of
the deed of dissolution dated 14.11.2014 (Exh.58),
under which the cheques in question were issued by the
accused to the complainant and the fact that the suit for
specific performance bearing No. 337/2018 (Exh.64) has
been filed by the accused against the complainant,
seeking specific performance of the terms of the deed of
dissolution dated 14.11.14, it was not permissible for the
learned Special Court to have taken into consideration
any oral evidence from the side of the defence to hold
that Rs.10,00,000/- were paid by the accused to the

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husband of the complainant, consequent to the deed of dissolution dated 14.11.2014, so as to hold that there was no legal debt or liability, inasmuch as there was no written document on record to indicate any such instructions by the complainant to do so, considering which a case for grant of leave is made out.

3] Leave is accordingly granted.

4] Office to register the appeals.

5] Since the issue involved is within a narrow compass, issue notice for final disposal, returnable on **1.8.2022.**

6] Mr. Mehadia, learned counsel waives notice for respondent on merits.

7] Mr. Vyas, learned counsel for the appellant has already supplied the copies of entire evidence and exhibited documents to the learned counsel for the respondent, the receipt of which he acknowledges.

8] List the matter for final disposal at the admission stage on **1.8.2022.**

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
Location:
Signing Date:04.07.2022 18:04