

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

CRIMINAL REVISION APPLICATION NO.78 OF 2022

Anilkumar Trikam Parmar Applicant

versus

Priti Anilkumar Parmar & Anr. Respondents

.....

- Ms. Sana Raees Khan a/w Aditya Parmar a/w Mitesh Parmar, Advocate for Applicant.
- Mr. Hirishikesh Amembal, Advocate for Respondent No.1.
- Mr. N. B. Patil, APP for the State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd AUGUST, 2023

P.C. :

1. Heard Ms. Sana Raees Khan, learned counsel for the Applicant, Mr. Hirishikesh Amembal, learned counsel for Respondent No.1 and Mr. N. B. Patil, learned APP for the State.

2. Both the learned counsel for the contesting parties point out that the main proceedings i.e. C.C. No.212/DV/2018 are still pending before the Metropolitan Magistrate, 73rd Court,

Vikhroli, Mumbai. The said proceedings are filed by the Respondent No.1 herein. Initially the order granting interim maintenance was passed by the learned Magistrate which was confirmed by the Court of Sessions. The main proceedings are pending since 2018. Therefore it is desirable that they are decided at the earliest. Learned counsel for the Applicant submits that she is not pressing this Revision Application. But she requests that the Trial Court be directed to conclude the proceedings before him within a time bound manner and all the contentions raised by the Applicant herein be left open.

3. Learned counsel for the Respondent No.1 submitted that there are arrears, which the Applicant has not cleared, which are to the tune of Rs.5,85,000/- as on today's date.
4. Considering this situation, it would be proper if the learned Magistrate decides proceedings before him at the earliest. At the same time, since the arrears are pending, I am not granting stay on recovery of the arrears.

5. Hence, the following order :

ORDER

- (i) The present Revision Application is allowed to be withdrawn.
- (ii) All the contentions of both the parties on merits of the matter are specifically left open.
- (iii) The learned Metropolitan Magistrate, 73rd Court, Vikhroli, Mumbai, is directed to conclude and finally dispose of the proceedings pending before him vide C.C. No.212/DV/2018 within a period of three months from today.
- (iv) With these directions, the application is disposed of.

(SARANG V. KOTWAL, J.)