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

WRIT PETITION NO.1878 OF 2021

Neha Bhushan Joshi

... Petitioner

V/s.

Bhushan Chandrakant Joshi & Ors.

... Respondents

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Mr. Gaurav Gokhale for the petitioner.

Mr. Bhushan C. Joshi, respondent no.1 in-person.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 2, 2023

P.C.:

1. The petitioner/wife has filed present writ petition challenging order dated 1st March 2021. The Family Court by the said order directed the respondent no.1/husband to pay Rs.5,000/- per month towards maintenance of child. Learned advocate for the petitioner states that the petitioner has already filed an application before the Family Court seeking enhancement of said maintenance. The said application shall be decided in accordance with law.

2. The petitioner contends that the petitioner had prayed for right of residence under section 19 of the Protection of Women from Domestic Violence Act, 2005. Without adjudication on the said point, the application could not have been rejected.

3. Therefore, in the interest of justice it is necessary to direct

the Family Court to decide the relief of right of residence of wife in accordance with law.

4. The writ petition is, therefore, disposed of with a direction to the Family Court to decide the relief claimed by the wife under section 19 of the Protection of Women from Domestic Violence Act, 2005 in accordance with law.

5. The writ petition is disposed of in above terms. No costs.

(AMIT BORKAR, J.)