

AGK

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

WRIT PETITION NO.1488 OF 2023

Husna S. Sayyed Alias

Husna M.A. Shaikh

... Petitioner

V/s.

Mohd. Shahid Abdul Jabbar

Sayyed & Anr.

... Respondents

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Mr. Faiyaz Khan with Mr. Ashraf Kapoor i/by Mr.
Raeesuddin Khan for the petitioner.

Ms. M.R. Tidke, APP for respondent no.2/State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 27, 2023

PC.:

- 1.** Considering the limited relief sought by the petitioner, the writ petition can be decided without issuing notice to the respondent no.1.
- 2.** Limited grievance made by the petitioner is that in view of impending school expenses, the petitioner requires amount of maintenance to pay school fees and other expenses of children. Hence, the application for issuance of distress warrant need to be decided immediately.
- 3.** Learned advocate for the petitioner files an affidavit of service stating that the respondent no.1 is served. Despite service, respondent no.1 failed to appear.

4. Considering the reasons stated in paragraph 4 of the application dated 12 December 2022, learned Additional Chief Metropolitan Magistrate, 71st Court at Bandra, Mumbai is directed to decide the application for issuance of distress warrant within two weeks from today.

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

(AMIT BORKAR, J.)