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

WRIT PETITION NO.2947 OF 2022

Mehul Navnit Sheth	...Petitioner
Versus	
Yashini Mehul Seth & Anr.	...Respondents

Ms. Pragya and Mr. Manoj Singh i/b. MKS Legal Associates, for the Petitioner.

Ms. Poonam Ankleshwaria a/w. Mr. Prathamesh Parkar, for Respondent No.1.

Mr. Y. Y. Dabke, APP, for the State/Respondent No.2.

CORAM : MADHAV J. JAMDAR, J.

DATED : 20th OCTOBER 2023

P.C. :

1. This Court has passed the following order on 13th October 2023:-

“1. Heard, Ms. Pragya, learned counsel appearing for the Petitioner, Ms. Ankleshwaria, learned counsel appearing for the Respondent No.1 and Mr. Patil, learned APP appearing for the Respondent-State.

2. Learned counsel appearing for the Petitioner after taking instructions from the Petitioner states that on or

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before 19th October 2023 an amount of Rs.2,50,000/- will be deposited in the account of Respondent No.1.

3. Stand over to **20th October 2023**. To be shown in the 'Supplementary Board' [fairly high on board].

4. It is clarified that the said deposit is without prejudice to the rights and contentions of both the parties.”

2. It is admitted position that the said amount of Rs.2,50,000/- has not been deposited in the account of Respondent No.1. By the impugned order dated 6th August 2021 passed by the learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai, the Petitioner has been directed to pay the maintenance of Rs.8,000/- to the Respondent No.1-wife and Rs.9,000/- to the son. The said order dated 6th August 2021 passed by the learned Metropolitan Magistrate 29th Court, Dadar, Mumbai is confirmed by order dated 29th April 2022 passed by the learned Additional Sessions Judge, Mumbai in Criminal Appeal No.253 of 2021.

3. It is admitted position that as per order passed by the learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai, the arrears are Rs.3,68,000/- and inspite of this, the Petitioner has not complied with order dated 13th October 2023.

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4. It is the contention of learned counsel appearing for the Petitioner that the Petitioner is not challenging the order of maintenance of Rs.9,000/- p.m. granted in favour of son and only challenge is to the order of maintenance granted to the wife of Rs.8,000/- p.m.

5. Learned counsel appearing for the Petitioner states that the challenge is only on two grounds, that the Respondent No.1 has not complied with the directions issued in the decision of **Rajnesh vs. Neha & Anr.**¹ and that Petitioner is having LLB degree and therefore, she can practice.

6. As far as the first contention that directions issued in **Rajnesh** (supra) are not complied with, the factual position on record clearly shows that the Petitioner and Respondent No.1 have filed affidavit of declaration of assets and liabilities. It is also admitted position that the said declaration filed by both, Petitioner and Respondent No.1 is not in consonance with the format which has been prescribed in **Rajnesh** (supra). However, this contention cannot be raised by the Petitioner who himself admittedly has not filed affidavit for declaration of assets and liabilities in the format as directed in the

1 (2021) 2 SCC 324

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decision of **Rajnesh** (supra).

7. As far as the contention that the Respondent No.1 is having LLB degree and she is an Advocate, the factual position on record shows that the Respondent No.1 has never practiced.

8. Admittedly, the Petitioner is in arrears of maintenance amount of Rs.3,68,000/-. The statement which is recorded in order dated 13th October 2023 of this Court is not complied with.

9. Accordingly, interference under the writ jurisdiction of this Court is not warranted.

10. The Writ Petition is dismissed, however with no order as to costs.

11. Ad-interim relief granted earlier stands vacated forthwith.

[MADHAV J. JAMDAR, J.]