

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

**DARSHAN
PRAKASH
PATIL**

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PATIL

Date: 2023.08.01
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WRIT PETITION NO. 3814 OF 2022

Vikas Sawhney S/o Jagdish

Mohan Sawhney

...Petitioner

Versus

Abha Sharma Sawhney W/o

Vikas Sawhney And Ors.

...Respondents

Mr. Niranjan Mundargi a/w Mr. Santosh S. Musale for the
Petitioner.

Mr. Filji Frederick a/w Ms. Reshma Kulkarni a/w Mr. Archit
Chaturvedi i/b FF and Associates for the Respondents.

CORAM: N. R. BORKAR, J

DATED: 6 JULY, 2023

PC:-

1. By order dated 16 January 2020, the learned Magistrate directed, the application filed by the respondents under Section 125 of the Code of Criminal Procedure for maintenance, to proceed ex-parte against the present petitioner. Thereafter by order dated 01 March 2021, the learned Magistrate directed the present petitioner to pay interim maintenance at the rate of Rs.80,000/- per month to respondent No.1.

2. By the impugned order, the learned Magistrate rejected the application filed by the petitioner to set aside the order dated 16 January 2020 and to recall the order dated 01 March 2021.

3. Considering the facts and circumstances mentioned in the

petition, the order dated 16 January 2020 passed by the learned Magistrate is set aside. The petitioner is permitted to file a reply to the application filed by the respondents under Section 125 of Cr.P.C. subject to payment of arrears, if any, towards the maintenance amount.

4. The hearing of Criminal MA no. 190 of 2019 is expedited and the learned Magistrate shall endeavour to decide the said application on its own merits within 9 months from the date of receipt of a copy of this order.

5. The writ petition is disposed of in the above terms.

(N. R. BORKAR, J.)