

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

CRIMINAL REVISION APPLICATION NO. 487 OF 2019

Hetal Nimesh Shah

...Applicant

Versus

Nimesh Ramesh Shah & Anr.

...Respondents

Mr. Shikhani M. Shah for the Applicant.

Mr. A.L. Bhise i/by Mr. S. K. Gimekar for the Respondent No.1.

Mr. A.R. Patil, APP for the Respondent No.2/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 6th JULY, 2023.

P.C. :

1. The Applicant has filed this Revision Application challenging the order dated 17th September, 2019 passed by the Additional Sessions Judge, Greater Mumbai in Criminal Appeal No. 612 of 2019.

2. The basic prayer of the Applicant is for enhancement of the interim maintenance from Rs.7,000/- per month to Rs. 20,000/- per month. The Applicant has filed CC No.53/DV/2018 before the 46th Court, Metropolitan Magistrate, Mazgaon. The interim

maintenance order was passed on 6th July, 2019. After that, there is no further progress in the main proceedings before the learned Magistrate.

3. Learned counsel for the Applicant does not press this Revision Application at this stage, if directions are issued to the learned Magistrate to decide the main matter within a period of six months.

4. The request is quite reasonable. Her other grievance is that the husband i.e. Respondent No.1 is not appearing before the Magistrate; and therefore, the matter is unnecessarily prolonged.

5. Learned counsel, who appears for the Respondent No.1-husband, submitted that the husband has to attend the proceedings and cannot avoid the process of the Court.

6. In any case, if the husband-Respondent No.1 tries to prolong the proceedings, the learned Magistrate has all the powers under the law to take measures to ensure his presence or to proceed in his absence. Hence, the following order :

ORDER

- i. The Revision Application is disposed of as not pressed at this stage.
- ii. The learned Metropolitan Magistrate, 46th Court, Mazgaon is directed to finally decide CC No.53/DV/2018 pending before him within a period of six months from today.
- iii. Both the parties shall co-operate with the learned Magistrate in completing the proceedings within that period.
- iv. If the Respondent No.1-husband does not appear and tries to prolong the matter, the learned Magistrate shall take steps in accordance with law, so that the matter is concluded within the time frame, as mentioned in this order.
- v. The Respondent No.1-husband shall continue paying the maintenance, as directed by the Magistrate, till the disposal of the main proceedings before the learned Magistrate.

- vi. The learned Magistrate can also take steps in respect of arrears, if any, which may be pending for non-payment of the interim maintenance.
- vii. With these directions, the Revision Application is disposed of.

(SARANG V. KOTWAL, J.)