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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2527 OF 2024**

Dattarey Bapu Kadam

... Petitioner

vs.

Savita @ Reshma Dattarey Kadam and Anr

... Respondents

Mr. Rahul M. Jade h/f. Ms. Pranali Wadgonkar, for Petitioner.

CORAM : GAURI GODSE, J.

DATED : 27th AUGUST 2024

ORDER :-

1. Heard learned counsel for the petitioner. This petition takes an exception to an order passed by the Sessions Court granting interim protection to the petitioner, subject to payment of the interim maintenance of Rs. 700/- and Rs. 300/- granted to the respondent respectively.

2. Learned counsel for the petitioner submits that in the order passed in the proceedings under the Protection of Women from Domestic Violence Act, 2005 ('DV Act') the allegations regarding domestic violence are not accepted. However, only the order of monetary compensation has been granted. He thus, submits that the order passed by the learned Magistrate is illegal. He submits

that the petitioner has a fair chance of succeeding in the pending appeal.

3. I have considered the submissions. A substantive appeal filed by the petitioner is pending in the Sessions Court. The order impugned before the Sessions Court is challenging the order of maintenance of a minimal amount of Rs. 700/- and Rs. 300/- granted to respondent no.1 i.e. petitioner's wife and minor daughter who is two years old. Since, the petitioner's appeal is still pending before the Sessions Court, the arguments on the merits of the order passed by the learned Magistrate shall be decided in the main appeal. At this stage, I do not find that it is a fit case to exercise powers under Article 227 of the Constitution of India to interfere in the impugned order.

4. Writ Petition is therefore dismissed.

(GAURI GODSE, J.)