

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2775 OF 2023

Mr. Anil Datta Ghavat

...Petitioner.

Versus

Smt. Meena Anil Ghavat Alias Ms Meena
Kaka Hajare And Ors.

...Respondents.

Ms. Manisha Keswani for the petitioner.
Mr. Anil Dubey for the respondents.

Coram : Sharmila U. Deshmukh, J.

Date : 10th April, 2024.

P. C. :

1. Heard.

2. Petition has been filed seeking prayers which are totally incomprehensible at least to this Court. It appears that certain directions are sought so as to expedite Criminal M.A. No.62/2022 and M. P. No.1717/2021 and for stay of the enhanced maintenance order dated 3rd January 2020 passed in

Miscellaneous Application No.91/2016.

3. Learned counsel for the petitioner is unable to explain as to what are these proceedings which are pending in respect of which reliefs have been sought. All that has been consistently argued is that subsequently certain documents have come to the knowledge of the petitioner which shows that respondent-wife is working and she may be permitted to place the same on record. Upon repeated query by this Court, no explanation is forthcoming as to the relevant facts of the case. Hence this Court was constrained to go through the proceedings itself so as to find out the exact challenge in this petition.

4. From the record it appears that application was filed by the respondent wife being M.A. No.91/2016 under Section 127 of Cr.P.C. seeking enhancement of the amount of maintenance which was granted in the year 2006 of Rs.2,500/- each for the respondent-wife and the child. It appears that the J.M.F.C. by order dated 3rd January 2020 enhanced the amount from Rs.2,500/- each to Rs.8,500/- each. As against this Criminal

Revision Application No.18/2020 was preferred before the Additional Sessions Judge which Revision Application came to be dismissed. In the prayer clause, there is no challenge to this Judgment dated 12th May 2022 passed in Criminal Revision Application No.18/2020. It appears that subsequently on 17th June 2022, Application has been filed by the applicant- husband under Section 127 (1) of Cr.P.C. challenging the order of 2006 granting a sum of Rs.2,500/- each as well as the order passed on 3rd January 2020 granting a sum of Rs.8,500/- each. Learned counsel for respondent submits that those proceedings are pending.

5. As there is no challenge to the order passed in Criminal Revision Application No.18/2020 by which the Trial Court orders came to be confirmed and nothing has been demonstrated as to the infirmity in the Order of 3rd January 2020 passed by J.M.F.C. or the Judgment of 12th May 2022 passed in Criminal Revision Application 18/2020, the petition deserves to be dismissed. That apart, for the same relief which is the subject matter of the present petition an Application has been filed

under Section 127 (1) of Cr.P.C. challenging the very order of 3rd January 2020 passed by the J.M.F.C which is stated to be pending. Despite repeated queries by this Court as to whether in view of the Application pending before J.M.F.C the petition be withdrawn, there is no response and irrelevant submissions are being advanced. As there is no infirmity which has been demonstrated to this Court in the Order of 3rd January 2020 as well as the Judgment of 12th May 2022, there is no merit in the petition. Petition stands dismissed.

[Sharmila U. Deshmukh, J.]