

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4896 OF 2024

Sunil Shetty

..... Petitioner

VERSUS

Suvita Shetty

..... Respondent

Ms.Sushmitha Sherigar for the Petitioner.

CORAM: RAJESH S. PATIL, J.

DATE : 4 APRIL, 2024

P.C. :-

This writ petition is filed by the husband challenging an order dated 6 March, 2024 passed by the Family Court, Mumbai on order below Ex.1.

2. The petitioner husband had filed an application in the Family Court during the pendency of the petition of wife for interim maintenance. The husband's application was filed under section 340 of the Cr.P.C. thereby alleging that there was suppression of facts in the affidavit of the assets and liabilities filed by the wife. It was the case of the husband that the Court

has to first decide the application under section 340 of the Cr.P.C. and thereafter after passing an order on the said application, the interim maintenance application should be heard.

3. The Family Court Judge after hearing the parties on application below Ex.1 has come to the conclusion that the interim maintenance should be heard first and thereafter the Court will look into the other applications filed by the parties. The court also directed the parties to produce the affidavit of assets and liabilities.

4. Supreme Court, in the case of *Pritish Vs. State of Maharashtra*, reported in (2002) 1 SCC 253, which was followed by *Iqbal Singh Marwah Vs. Meenakshi Marwah*, reported in (2005) 4 SCC 370, and in the recent proceedings *State of Punjab Vs. Jasbir Singh*, reported in 2022 SCC OnLine SC 1240, have held that Section 340 of Cr.P.C. does not mandate a preliminary inquiry and an opportunity of hearing to the would be accused. I find no infirmity in the order passed by the Family Court, Mumbai.

5. There is no merit in the writ petition. Writ petition is dismissed. No costs.

[RAJESH S. PATIL, J.]