

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4441 OF 2024

Aman Singh Anand

...Petitioner

Versus

Sarabjit Kaur Anand & Anr

...Respondents

Dr Samarth S Karmarkar, *i/b Karmarkar & Associates, for the Petitioner.*

Mr Ashok S Gawai, APP, *for Respondent No. 2.*

SHEPHALI
SANJAY
MORMARE

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CORAM: ARIF S. DOCTOR, J

DATED: 26th November 2024

PC:-

1. The present Petition impugns an order dated 30th December 2023 passed by the Judicial Magistrate's 65th Court, Andheri, Mumbai in C.C. No. 375/DV/2018. The said Application was filed by the Respondent (wife) under Section 23 of the Protection of Women from Domestic Violence Act 2005 ("**DV Act**"). Learned Counsel appearing on behalf of Petitioner submits that vide the impugned Order, the Petitioner has been directed to pay a sum of Rs.10,000/- each to the Respondent (Wife) and their minor daughter per month and in addition rent of Rs. 35,000/-. He has invited my attention to impugned order.

2. He submitted that the basis for granting this maintenance is that the Trial Court had accepted the submission of the Respondent that the Petitioner has a family business with a turnover of at least Rs.55 lakhs per annum. It is his submission of the Learned Counsel appearing on behalf of the Petitioner that the Trial Court had erred in accepting this figure since no evidence was drawn on record by the Respondent before the Trial Court. He further submits that his client has since made some payment towards arrears and now willing to make balance payment of Rs. 3,00,000/- towards 50% of arrears of interim maintenance for the Respondent (Wife) and their minor daughter and Rs. 1,75,000/- towards 50% of arrears of the shelter amount totaling to Rs. 4,75,000/- within a period of four weeks from today and prayed for a stay of the impugned order.

3. Therefore, the impugned order dated 30th December 2023 is stayed until the next date.

4. Issue notice to the Respondents, returnable on 7th January 2025.

5. The Petitioner to make payment of Rs. 4,75,000/- on or before 7th January 2025. It is made clear that if the amount is not paid within the prescribed period, the stay shall vacated forthwith.

(ARIF S. DOCTOR, J)