

V.A Tikam

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

CRIMINAL REVISION APPLICATION NO. 133 OF 2024

VAISHALI
ANIL
TIKAM

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Date:
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Mr. Kiran Hiralal Popat

.. Applicant

Versus

Mrs. Swati Kiran Popat

.. Respondent

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- Mr Ankush Shah a/w. Mr. Dileep Suresh Vishwakarma i/b. Mr. Dwivendra Dubey, Advocates for the Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 6, 2024.

P.C.:

- 1.** Not on Board. Mentioned. Taken on Board.
- 2.** Heard Mr.Shah, learned Advocate for the Respondent.
- 3.** Praecipe dated 6.12.2024 is filed seeking urgent intervention of the Court.
- 4.** Learned Advocate Mr. Shah would inform the Court that by virtue of order dated 9.4.2014, application filed by the Respondent (wife) under Section 12 and other companion sections of the Protection of Women from Domestic Violence Act, 2005 is allowed by the learned Trial Court. This copy is appended at page No. 38 of the Revision Application. The operative portion of the order is at page Nos. 47 and 48. Insofar as operative clause Nos. 1 to 4 are concerned, learned Advocate would inform the Court that Respondent (wife) is

residing in the shared household as declared by the Trial Court as on date. He expressed his grievance with respect to non-compliance of the directions contained in clause Nos. 5 and 6 of the operative part of the said order which read thus:

"5. Respondent No.1 do pay monthly maintenance of Rs.10,000/- (Rupees Ten Thousand only) to the applicant from the date of this order and shall be adjusted with the order of the Family Court, Bandra.

6. Respondent No.1 do pay compensation of Rs.50,000/- to applicant for the education expenses incurred by applicant."

He would then submit that Revision Applicant (husband) filed statutory Appeal before the Sessions Court to challenge the order dated 9.4.2014, which came to be dismissed by a speaking order dated 2.12.2023.

5. I have perused the judgment of the Sessions Court dated 2.12.2023, which is appended at page No. 49 of the Revision Application. The present Revision Application is filed by the husband against the twin concurrent orders passed by the Trial Court and the Sessions Court. Learned Advocate informs the Court that the present Revision Application was filed on 3.2.2024 and until today the judgment of the Sessions Court is not stayed by this Court. Grievance

expressed by Respondent in the Revision Application is that clause Nos. 5 and 6 as delineated hereinabove of the Trial Court's judgment is breached and not complied with by Revision Applicant till date. He would inform the Court that as on date there is a substantial arrears of maintenance amount of Rs.10,52,000/- due and payable by Revision Applicant to Respondent (wife). That apart, he would submit that insofar as clause No. 6 is concerned, Revision Applicant has deposited Rs.25,000/- only until today in the Sessions Court and there is non-compliance of that direction also.

6. With the able assistance of the learned Advocate, I have perused the judgment dated 9.4.2014 of the Trial Court and the judgment dated 2.12.2023 of the Sessions Court in appeal. Both the judgments are reasoned and speaking orders. *Prima facie*, it is seen that the Revision Applicant has on the face of record breached the orders passed by the Courts below. If the orders of the Courts are not obeyed and abided, I do not see any reason as to why the present Revision Application should be entertained by this Court. However, since application is mentioned on Praecipe today without giving notice to the other side, I am listing this Revision Application first on board on next Friday i.e. on 13.12.2024. Revision Applicant is directed to remain present in Court. A copy of this order shall be served on him by the learned Advocate for Respondent by any permissible mode of service and an appropriate Affidavit of service shall be filed by the

learned Advocate for Respondent of having effected service of this order on the Applicant. If this Court finds that Applicant has been served and if he does not remain present on the next adjourned date, this Court shall be constrained to pass appropriate orders in the Revision Application considering the observations made in this order hereinabove.

7. Stand over to 13.12.2024, First on Board.

[MILIND N. JADHAV, J.]