

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.600 OF 2024

Kaarthic Manickam

.. Applicant

Versus

Pavitra Srinivasan w/o Karrthic Manickam

.. Respondents

.....

- Mr. Vinay V. Nair, Advocate for Respondent.
- Ms. Dhalakshmi S. Krishnaiyer, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 11, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Nair, learned Advocate for private Respondent i.e. Respondent No.1 in this Criminal Revision Application and Ms. Krishnaiyer, learned APP for State.
- 3.** Perused the praecipe dated 11.12.2024 and the order dated 03.12.2024.
- 4.** Mr. Nair has placed before me order dated 03.12.2024. He would submit that Respondent No.1 has recently returned back to India and is very much present in the Court. Undoubtedly she is working in the United States of America. What he would submit is the interpretation of Section 27(1)(a) of the Protection of Women from Domestic Violence Act, 2005 (for short '**D.V. Act**') which would be the bone of contention in the present case. He would draw my attention to

paragraph No.4 of the above order and would submit that this Court has taken cognizance of the same. He would however mention an exigency on behalf of the private Respondent. He would submit that the abode of parents of private Respondent would in this case qualify as place of residence of Respondent and therefore institution of the proceedings in the Court at Panvel which is within the jurisdiction of the said parental house is jurisdictionally correct.

5. In that view of the matter, he would persuade the Court to consider the impugned judgement of the Trial Court and the Appellate Court. He seeks indulgence of the Court to pre-pone the hearing of the matter in view of the fact that despite specific orders for payment of maintenance amount, there is a humongous pendency of the outstanding dues on behalf of Applicant.

6. At this stage, he would inform the Court that private Respondent shall file her Affidavit-in-Reply as early as possible and therefore persuade the Court to list the matter at the earliest. Since the order dated 03.12.2024 is passed and direction is given to Applicant to serve the copy of order and Application on the private Respondent, he would inform the Court that private Respondent only became aware of the order dated 03.12.2024 when she attended the Trial Court.

7. Considering the request made by Mr. Nair and fact that

Applicant is presently in India it would be worthwhile to accede to his request. This is more so because as informed by Mr. Nair, there is huge pendency of the outstanding maintenance amount. Applicant shall take cognizance of this fact when submissions shall be advanced in Revision Application. Private Respondent is permitted to file her Affidavit and serve copy of Affidavit on Mr. Naidu.

8. Mr. Naidu appearing for Applicant is directed to serve copy of Criminal Revision Application on the learned Advocate for private Respondent – Mr. Nair immediately without any delay whatsoever. Copy of Criminal Revision Application shall be given to Mr. Nair on Mr. Naidu receiving a copy of this order without any delay. If there is any delay on the part of Applicant on serving copy of Application and if private Respondent is not in a position to file Affidavit-in-Reply it would lead to further delay. If this Court finds that Applicant or his Advocate has delayed in serving copy of the Criminal Revision Application by private service then it may be noted by the Revision Applicant that this Court shall be constrained to vacate the ad-interim relief which has been granted. All parties to act on a server copy of this order.

9. In view of request made by Mr. Nair, list the Criminal Revision Application on **07th January, 2025**.