



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.133 OF 2024

Rajnesh S/o Rajendrapal Naidu
Aged about 53 years, Occ: Private,
R/o 1, Mecosabagh, Nagpur-440014

...**PETITIONER**

...VERSUS...

Corrected as per
Hon' ble Court's
order dated
16.04.2024.

Neha Joshi Naidu
Aged about 41 years, Occ: Interior Architect
R/o 201, Prashant Nagar, Ajni, Nagpur-440015.

... **RESPONDENT**

Petitioner in-person.
Shri A.V. Pande, Advocate for respondent.

CORAM:- M.W. CHANDWANI, J.
DATED : 4th APRIL, 2024.

ORAL JUDGMENT:

. **Rule.** Rule is made returnable forthwith. Heard finally
at the admission stage.

2. The criminal writ petition is filed against the order of
Family Court dated 08.01.2024 passed below Exhibits-35 and 37
in ER No.170/2021, thereby directing the petitioner to pay further
amount of Rs.3,50,000/-.

3. The learned Family Court by order dated 03.01.2024 issued warrant of arrest for non-payment of Rs.15,01,800/-. The contention is that the arrears have not been properly calculated by the respondent. The petitioner moved applications for cancellation of warrant of arrest vide Exhibits 35 and 37. The Family Court by impugned order kept the warrant of arrest in abeyance and directed the petitioner to pay Rs.3,50,000/- apart from the payment of Rs.1,50,000/- which the petitioner paid to the respondent.

4. Perusal of impugned order dated 08.01.2024 shows that the petitioner did not file his statement even though he disputed the amount claimed by the respondent, rather, he submitted that total arrears may be around Rs.10,00,000/-. The learned Family Court considered the submission of the petitioner and directed to pay Rs.3,50,000/- apart from the payment of Rs.1,50,000/-, which he had already paid. The order of learned Family Court appears to be a very considered order.

5. The petitioner submits that in application for issuance of warrant he has not been given an opportunity of hearing and without mentioning the reason the application came to be allowed.

6. It is a matter of record that the respondent claimed arrears of Rs.15,00,000/-, whereas the petitioner disputed the said amount and had volunteered that amount of Rs.10,00,000/- was outstanding, which was recorded by the Family Court. Today, the petitioner submits that it is not Rs.10,00,000/- but after making payment of Rs.1,50,000/- prior to passing of the order as well as under directions of this Court Rs.5,00,000/- was outstanding and due towards him.

7. Be that as it may, since the petitioner could not file a statement before the Family Court, by way of indulgence, the petitioner is given an opportunity to file his statement before the Family Court with a condition that he will deposit Rs.1,00,000/- by 22.04.2024.

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8. In view of said arrangement, the impugned orders dated 08.01.2024 and 03.01.2024 passed by the Family Court, Nagpur are set aside.

9. The Family Court, after hearing both the parties, pass suitable order on the application for issuance of warrant of arrest filed by the applicant. So far as prayer clause-(b) of the petition is concerned, by way of order dated 10.07.2023, this Court has already declined to direct the Family Court to dispose of the

Criminal M.A. No.17/2023 in time bound manner and the petitioner was directed to apply before the Family Court, which he did. Now the application is pending before the Family Court, Nagpur. Be that as it may, even in Criminal Revision Application No.167/2023 the same prayer has been made. Therefore, prayer (b) of the petition cannot be considered. In view thereof, the criminal writ petition is disposed of.

Rule is made absolute in above terms.

JUDGE

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