

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 79 OF 2025

Anjum Rashid Mhabarji

...Applicant

Versus

1. Dilwar Mahammed Mhabarji
2. Rabiya Dilawar Mhabarji
3. Rafik Dilawar Mhabarji
4. The State of Maharashtra

...Respondents

WITH

CRIMINAL WRIT PETITION NO. 1439 OF 2025

1. Dilwar Mahammed Mhabarji
2. Rabiya Dilawar Mhabarji
3. Rafik Dilawar Mhabarji

...Petitioners

Versus

1. Anjum Rashid Mhabarji
2. The State of Maharashtra

...Respondents

.....

Mr. Prajakt Arjunwadkar for the applicant in Revision Application and for Respondent No.1 in Writ Petition.

Mr. Chetan G. Patil, a/w Mr. Prathamesh P. Magadum a/w Ms. Siddheshwari R. Chavan i/b Mr. Bhushan S. Jadhav for Respondent Nos.1 to 3 in Revision Application and Petitioners in Writ Petition.

Mr. S. H. Yadav, APP for the Respondent-State.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th NOVEMBER, 2025

P.C.

1. This revision application is filed by revision applicant against impugned order dated 19/12/2024 passed by learned Additional Sessions Judge Kolhapur in PWDVA Appeal No. 10 of 2023, whereby the learned Sessions Judge has reduced the maintenance amount to Rs.15,000/- from Rs.30,000/- granted by learned Judicial Magistrate First Class, Chandgad (For short 'JMFC'). The respondents/petitioners have also challenged the same order by way of Writ Petition on the ground that the respondent No.1 being father-in-law is not entitled to pay the maintenance to the revision applicant. As challenge in both matters are same, hence, I am deciding both these matters by this common order.

2. It is contention of learned counsel for revision applicant that applicant stays with her daughter. The learned JMFC had passed the order granting interim maintenance of Rs.30,000/- to the applicant and her daughter but learned Additional Sessions Judge has reduced it to Rs.15,000/-, which is erroneous. Learned counsel further submitted that main maintenance application of the applicant is pending before learned JMFC. Learned counsel further submitted that the husband of applicant was doing business and after his death, the said business is taken over by the respondents. The learned JMFC has

passed well reasoned order. The learned Sessions Judge should not have interfered in it. hence, requested to allow the application.

3. It is contention of learned counsel for Respondents-petitioners that respondent No.1 is father-in-law of the revision-applicant. He is not entitled to pay the maintenance amount to the revision-applicant. But this fact is not considered by the learned Courts below.

4. After hearing sometime for both the parties, when this court enquired about pendency of D.V. application, both learned counsel submit that it is still pending. Then, this Court enquired with both the parties that they shall contest their contentions before the trial Court while hearing of DV proceedings and contentions of both the parties are kept open. The learned counsel for Respondents No.1-Petitioner submit that he has deposited the amount without prejudice to the legal rights of the Respondent No.1-Petitioner.

5. Both learned counsels on instructions submit that appropriate orders be passed.

6. Learned counsel for Respondent No.1-Petitioner submit that he will deposit Rs.1,00,000/- out of arrears of maintenance amount on or before 30th November 2025 before the trial Court. His statement is accepted.

7. In view of above, I pass following order.

ORDER

- (i) Revision Application and Writ Petition are disposed off.
- (ii) Contentions of both the parties are kept open.
- (iii) Both the parties shall lead their evidence in support of their contentions before the trial court while hearing of DV proceedings.
- (iv) The Respondent No.1-Petitioner shall pay the maintenance amount of Rs.15,000/- as ordered by the learned Additional Sessions Judge to the applicant till final disposal of the DV proceedings.
- (v) The learned Magistrate Court is requested to dispose off the pending DV proceedings as early as possible.
- (vi) The revision applicant can file an appropriate application for depositing arrears of maintenance amount before the trial Court and the said application shall be decided on its own merits.
- (vii) The learned trial Court shall decide the DV proceedings on its own merits without being influenced by the observations of this Court.

8. The Revision Application and Writ Petition are disposed off in the aforesaid terms.

(SHIVKUMAR DIGE, J.)