

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6400 OF 2024

Mrs. Ashwini Shreyas Desai	...Petitioner
<i>Versus</i>	
State of Maharashtra & Mr. Shreyas Shrikant Desai & Ors.	...Respondents

Ms. Priyanka Dubey a/w Ms. Megha Gupta, Ms. Prajnali Khemnar,
Mr. Krishna Shukla, Mr. Shirish Desai i/by Hedgehog and Fox LLP,
Advocate for the Petitioner.
Ms. Alpa Javeri, Advocate for Respondent Nos. 1 to 4
Mr. A.R. Metkari, APP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd April 2025

P.C.:

1. Heard Ms. Dubey, learned Counsel for the Petitioner and Ms. Javeri, learned Counsel for the Respondent Nos.1 to 4.

2. This Petition has been filed by the Petitioner-wife challenging the legality and validity of the Order dated 4th November 2023 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai, by which the Miscellaneous Application bearing Exhibit 6 filed in Criminal Appeal No. 326 of 2023 has been rejected.

3. The said Exhibit 6 Application has been filed seeking specific interim direction to the Respondent No.1 to regularly pay E.M.I. of the housing loan of Haze Apartment, Flat No. 1001, Kedarnath Road, 10th Floor, Nehru Nagar, Kurla (East), Mumbai.

4. Ms. Javeri, learned Counsel for Respondent Nos.1 to 4, on instructions, states that till January 2025, E.M.I. has been paid. She further states, on instructions, that the Respondent No.1 will pay regularly said E.M.I. including arrears of E.M.I. The said statement made on instructions of the Respondent No.1 is accepted as an undertaking given to this Court by the Respondent No.1.

5. Accordingly, the Order dated 4th November 2023 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai below Exhibit 6 in Criminal Appeal No.326 of 2023 is set aside and said application bearing Exhibit 6 is allowed in terms of the statement made by Ms. Javeri, learned Counsel for the Respondent Nos. 1 to 4.

6. Accordingly, the Writ Petition No. 6400 of 2024 is disposed of in above terms with no Order as to costs.

7. At this stage, learned Counsel for the Petitioner states that the society maintenance is also outstanding. However, challenge in this Writ Petition is only with respect to the Application bearing Exhibit 6 in Criminal Appeal No.326 of 2023. The Respondent No. 2 is at liberty to take out appropriate proceedings with respect to claim regarding maintenance of the society. All contentions in that behalf are expressly kept open.

(MADHAV J. JAMDAR, J.)

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