

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.9131 OF 2024**

Smt. Rohini w/o Mangesh Rajak	...Petitioner
<i>Versus</i>	
Mr. Mangesh Kumar Rajak	...Respondent

Mr. Pranil Sonawane a/w Mr. Raj Chaurasia, Advocate for Petitioner.
Mr. Ajinkya Udane a/w Mr. Vinayak Pandit, and S. Mansoori, Advocates for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 24th July 2025

P.C.:

1. Heard Mr. Sonawane, learned Counsel for the Petitioner and Mr. Udane, learned Counsel for the Respondent.

2. The challenge in this Writ Petition No.9131 of 2024 is to the Order dated 5th April 2024 passed by the learned Judge, Family Court No.4, Pune below Exhibit-82 in Petition No.A 1101 of 2019 by which said Application bearing Exhibit-82 has been rejected.

3. In the said Application bearing Exhibit 82, *inter alia* it is prayed that the order dated 22nd June 2023 passed below Exhibit-54 in Petition No.A 1101 of 2019 be recalled and set aside by

which Petition No.A 1101 of 2019 filed by the Respondent-husband seeking divorce and P.E. No.74 of 2023 filed by the Petitioner-wife under Section 125 of Code of Criminal Procedure, 1973 (“Cr.P.C.”) seeking maintenance, are clubbed together. Consequently it is prayed that these two matters be detached and separated from each other.

4. It is the main submission of the learned Counsel for the Petitioner that an amount of Rs.12,000/- has been granted as maintenance by a learned Single Judge of this Court by order dated 9th February 2023 in Criminal Application No.256 of 2022 and the said maintenance is to the wife as well as to the minor son, aged 6 years. He states that the Respondent-husband is an I.I.T. Engineer. He states that as both these matters are heard together, the learned Court is not even considering an application filed for enhancement of the maintenance. He states that in the meanwhile, the learned Family Court, Pune has on 30th July 2024, rejected the applications at Exhibit 93 filed for setting aside no cross-order and Exhibit-94 filed for setting aside Order dated 19th March 2025 for closing the evidence of the Respondent and therefore the said

Orders are challenged by filing Writ Petition (Stamp) No.25505 of 2025.

5. Thus, in the facts and circumstances both these Writ Petitions are required to be heard together. The said Writ Petition (Stamp) No.25505 of 2025 is tagged alongwith this Writ Petition.

6. Stand over to **8th August 2025**. Till hearing of both these Writ Petitions, ad-interim relief in terms of prayer clause(b) of Writ Petition No.9131 of 2023, which reads as under:

“b) Pending the hearing and final disposal of the present application, the further proceedings of Petition No.A-1101/2019 and Petition No.E-74/2023 pending before the learned Judge of Hon’ble Family Court-3, Pune be stayed in the interest of justice.”

Thus, it is directed that the proceedings in Petition No.E-74/2023 as well as Petition No.A-1101/2019 shall remain stayed till pendency of the Writ Petition.

7. It is required to be noted that a learned Single Judge by Order dated 9th February 2023 passed in Criminal Application No. 256 of 2022 has transferred Criminal Miscellaneous Application No.555 of 2021 pending on the file of the learned J.M.F.C., Jamner,

District Jalgaon to the learned Family Court, Pune and accordingly the said Petition has been re-numbered as P.E. No.74 of 2023. The learned Single Judge has directed that both these Petitions be disposed of within a period of eight months from the date when the matters are transferred to the concerned Court. However, it is required to be noted that as these proceedings could not be disposed of within that time, a report dated 8th February 2024 of the learned Judge, Family Court No.3, Pune was submitted to this Court. In the said report dated 8th February 2024, learned Judge, Family Court, Pune has stated that both the parties are not co-operating for disposal of the matter in time bound manner and in view of said report, this Court by Order dated 26th February 2024 clarified that there is no time limit imposed by this Court for expeditious disposal of the proceedings being Petition P.E. No.74 of 2023 and Petition No.A 1101 of 2019.

8. It is clarified that if the parties extend full co-operation, then both these Petitions can be expeditiously disposed of. Stand over to **8th August 2025.**

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
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