

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.416 OF 2025

Anurag Goel

...Petitioner

Versus

Chhavi Anurag Goel & Anr.

...Respondents

Mr. Prabhjit Jauhar a/w Ms. Pooja Jalan, for the Petitioner.

Ms. Chhavi Anurag Goel, Respondent No.1-Party in-person.

CORAM: MADHAV J. JAMDAR, J.

DATED: 05 FEBRUARY 2025

P.C.:

1. Heard Ms. Chhavi Goel, Respondent No.1 who appears in-person. She submits that the Kalpa Taru Habitat Co-op. Housing Society Ltd. (Society) has issued notice dated 7th January 2025 *inter alia* seeking maintenance dues of the Flat No.A-52 in the said Society (Said Flat). She submits that the Petitioner be directed to pay the said amount. She also submits that ad-interim relief granted by Order dated 19th June 2024 by a learned Single Judge (**Coram: Gauri Godse, J.**) in this Writ Petition be vacated. She has mainly relied on the Division Bench Judgment of this Court passed in Criminal Writ Petition No.2638 of 2022 on 19th November 2024.

2. Learned Counsel for the Petitioner submits that as per the elaborate Consent Terms the Petitioner is to execute the Gift Deed in

favour of the Respondent No.1 of the said flat and the Respondent No.1 is to pay the maintenance amount. He states that the Respondent No.1 is staying in the said flat. He states that the Petitioner is ready to execute the Gift Deed, however the Respondent No.1 is not ready to accept the same. He states that the value of the said flat is more than Rs.5 crore.

3. Learned Counsel appearing for the Petitioner also points out that the *Special Leave Petition* (“**SLP**”) had been filed in the Supreme Court challenging the said Judgment dated 19th November 2024 passed in Criminal Writ Petition No.2638 of 2022 on which the Respondent No.1 is relying and the Supreme Court has passed following Order :-

1. *“Leave granted.*

2. *The operation of impugned judgment and order dated 19.11.2024 passed by the Division Bench of the High Court of Judicature at Bombay in W. P. (Crl.) No.2638 of 2022 and proceedings in C.C. No.1336/PW/2018 pending before the Metropolitan Magistrate, 15th Court at Sewree, Mumbai, arising out of C.R. No.63 of 2018 shall remain stayed until further order.”*

4. Thus, the Order of the Division Bench on which the Respondent No.1 has heavily relied is stayed by the Supreme Court. In view of the same at this stage no case is made out for vacating ad-interim relief granted by Order dated 19th June 2024 by a learned Single Judge of this Court.

5. The said Order dated 19th June 2024 records that the Writ Petition be heard finally. Accordingly, stand over to **5th March 2025** for final hearing.

[MADHAV J. JAMDAR, J.]

Note:- This Order is corrected as per Order dated 12th February 2025.