

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 578 OF 2024**

Avinash Rambhau Dhanorkar Applicant

Versus

Urvashi Avinash Dhanorkar and ors. ... Respondents

Mr. Himanshu S. Nagarkar, Advocate for the Applicant.

Ms. Kimaya Prajapati, Advocate for Respondent No.1.

Ms. Ranjana D. Humane, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2025.

P.C. :

1. By this application, the applicant has challenged the order passed by learned Metropolitan Magistrate, 44th Court, Andheri, below Exhibit-15.

2. It is contention of learned counsel for the applicant that respondent No.1 had filed two applications i.e. application for interim relief under Section 23 of Protection of Women from Domestic Violence Act, 2005 and application for monetary relief to defray the expenses of medical emergency. The said applications were allowed without hearing the applicant. Thereafter, the applicant had filed an application to review the said orders but the learned Magistrate has rejected the application on the ground that the applicant had filed reply to the said applications and

respondent No.1 is entitled for interim relief. The order passed by learned Magistrate is erroneous. Learned Magistrate should have given chance to the applicant to argue the matter. Learned counsel further submitted that the applicant has given an amount of Rs.7,40,000/- towards arrears of maintenance to respondent No.1. Before passing interim maintenance order, learned Magistrate should have heard the applicant. Hence, requested to allow the application.

3. It is contention of learned counsel for respondent No.1 that the applicant had filed reply to the applications filed by the respondents. Sufficient opportunities were given to the applicant to argue the matter but he failed to appear before learned Magistrate. Respondent No.1 requires the amount for maintaining herself and for paying medical bills. Considering the reply filed by the applicant, learned Magistrate has passed well reasoned order, no interference is required in it. Hence, requested to reject the application.

4. I have heard both learned counsel, perused the impugned order passed below Exhibit-15. Learned Magistrate, while rejecting the review application of the applicant, has observed that the applicant had filed reply to the interlocutory applications. A detailed reply was filed by the applicant and, on that basis, learned Magistrate has rejected the application. In my view, the applicant has given Rs.7,40,000/- towards arrears of maintenance to respondent No.1. Before passing the order on interim maintenance application, the learned Magistrate should have

given opportunity of hearing to the applicant. Considering these facts, I pass following order :

ORDER

1. Application is allowed.
2. The impugned order below Exhibit-15 passed by learned Metropolitan Magistrate, 44th Court, Andheri Mumbai, is quashed and set-aside in respect of interim maintenance only.
3. Learned Magistrate shall hear the applicant before deciding the interim maintenance application filed by respondent No.1.
4. Till the interim maintenance application is decided, the applicant shall pay maintenance amount as fixed by the learned Magistrate.
5. If the applicant does not pay the amount, the learned Magistrate shall not hear the interim maintenance application.

The revision is disposed of in above terms.

(SHIVKUMAR DIGE, J.)