
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 610 OF 2024

Nilesh Mithalal Jain & Ors.

...Applicants

Versus

Madhuri Nilesh Jain & Anr.

...Respondents

Mr. Kunal Ambulkar a/w Mr. Jarin Doshi i/b Malvi Ranchoddas & Co., for the Applicants.

Adv. K. K. Holambe Patil a/w Mr. Bhalchandra M. Kumbhar for Respondent No. 1.

Mr. S. S. Ghag, APP, for the Respondent No. 2-State.

CORAM: MANJUSHA DESHPANDE, J.

DATE : 20th JUNE 2025

P.C.:

1. Learned counsel for the Applicants submits that, pursuant to the order passed by this Court on 16th April 2025, as directed by this Court in paragraph 8, he is filing an undertaking before this Court that he will continue to pay the amount of Rs.10,000/- per month, which will be refunded by the Respondent No. 1 with interest as stated in paragraph 8. Paragraph 8 of the said order reads thus:

“8. However, Mr. Ambulkar, learned Counsel appearing for the Applicants, on instructions of the Applicant No.1, states that without prejudice to the rights and contentions of the Applicants, amount of Rs.10,000/- per month will be paid to the Respondent No.1 towards interim maintenance. It is clarified that the said payment is without prejudice to the rights and contentions of the Applicants and the Respondent No.1. The Respondent No.1 shall file an undertaking in this Court within a period of four weeks from today undertaking that if the learned Additional Chief Metropolitan Magistrate passes the order rejecting the said Interim Maintenance Application bearing Exhibit-3 in C.C. No.75/DV/2020 then, the said amount of Rs.10,000/- per month paid by the Applicant No.1 shall be refunded by the Respondent No.1 with interest at the rate of 6% per annum within a period of four weeks from the date of order of the learned Additional Chief Metropolitan Magistrate.”

2. Learned counsel appearing for the Applicants raises an objection that the said order was modified on 05th May 2025 as the motion was moved for speaking to the minutes, and the following words “including entire maintenance amount received by the Respondent No. 1” were added in the said order.

3. The undertaking which is tendered by the Respondent No.1 today, does not include the said words. The learned counsel appearing for the Respondent No.1 submits that, he shall file the corrected undertaking in the Registry within one week. The

Respondent No.1 to file the corrected undertaking by affirming it and also serve a copy of the same on the Applicants.

[MANJUSHA DESHPANDE, J.]