
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2202 OF 2025

Rajesh Shivaji Bhoite & Ors.

...Petitioners

Versus

Varsha Rajesh Bhoite

...Respondent

Mr. Dormaan J. Dalal a/w Shirley Mody for the Petitioners.

CORAM: MANJUSHA DESHPANDE, J.

DATE : 16th JUNE 2025

P.C.:

1. The Petitioner is challenging the Order dated 11th October 2024 passed by the Additional Sessions Judge, Baramati, wherein the Judge has refused to grant interim order to stay the execution of order passed by the J.M.F.C. in Criminal Application No. 447 of 2017. According to the Additional Sessions Judge, the Session Judge does not possess power and the jurisdiction to stay the execution order passed by the J.M.F.C. under Section 29 of the Protection of Women from Domestic Violence Act, referring to the Supreme Court Judgment in case of ***Shalu Ojha V/s. Prashant Ojha***¹.

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2. According to the learned counsel for the Petitioners, the issue has not been answered in case of ***Shalu Ojha V/s. Prashant Ojha***. The issue, whether the Sessions Judge has power to stay the proceedings in an Appeal under Section 29 of the D.V. Act was left to be answered in appropriate proceedings in the judgment. Albeit, there are certain conflicting decisions of the Karnataka High Court. He further submits that, apart from the judgments of the Karanataka High Court, Sections 26 and 28 of the D.V. Act itself empowers the Sessions Judge to pass order granting interim stay in the proceedings.

3. Arguable point is raised by the Petitioners, which requires consideration. In view thereof, issue notice to the Respondent, returnable on **28th July 2025**.

4. In addition to the Court notice, the Petitioner is at liberty to serve the Respondent by a permissible private mode and file an affidavit of service before the returnable date.

5. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (D) till the next date.

[MANJUSHA DESHPANDE, J.]

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