

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4361 OF 2025

Shrikant Umesh Solanki

...Petitioner

Versus

Aartiben Prakashbhai Darji & Ors.

...Respondents

Mr. V. B. Ghorpade, for the Petitioner.

Ms. Aloka A. Nadkarni, AGP, for the Respondent No.3-State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 28th MARCH 2025

P. C.:

1. Heard Mr. Ghorpade, learned Counsel appearing for the Petitioner.

2. The Petitioner has *inter alia* sought following reliefs in this Writ Petition:

*“a) Hon’ble Court be pleased to call for record and proceedings in respect of Regular Darkhast no.04 of 2025 and orders thereon filed in family Petition no. 200 of 2018 and after examining the legality and propriety thereof, be pleased to **set aside the same with compensatory cost on the respondent no.1.***

*b) Hon’ble Court be **pleased to set-aside her maintenance application exhibit No.16 may be***

declared to be false and “No action” may be taken on her application under U/S 24 of HMA it may be dismissed & declared to be Null & Void.

c) Hon’ble Court be pleased to pass necessary order directing concerned authority to take action with regard to filing, suppressing facts, cancelling true facts, filing false affidavits before this Hon’ble Court and Trial Court.”

(Emphasis added)

3. Perusal of the record shows that by order dated 1st October 2022 passed by the learned Civil Judge, Senior Division, Vasai below Exhibit-16 in M.P. No.200 of 2018, an amount of Rs.20,000/- per month has been directed to be paid by the Petitioner to the Respondent No.1-Wife. Said order has been confirmed by a learned Single Judge by order dated 1st April 2024 passed in Writ Petition No.345 of 2023 by dismissing the said Writ Petition.

4. Mr. Ghorpade, learned Counsel appearing for the Petitioner states that review of said order passed by the learned Single Judge is already filed and relief of staying the order granting maintenance is also sought in the said Review Petition.

5. It appears that, in the meanwhile Execution Application for execution of order granting maintenance, as confirmed by this Court is filed and learned Civil Judge, Senior Division, Vasai by order dated 5th February 2025, issued notice to the Judgment Debtors in R.D. No.4 of 2025.

6. In this background of the matter, it is clear that reliefs sought in the present Writ Petition *inter alia* to the effect that the said execution proceedings be quashed and set aside and said order passed below Exhibit-16 be declared as null and void is total abuse of the process of law.

7. It is clear that the execution proceedings are filed with respect to order granting maintenance by the learned Trial Court as confirmed by the learned Single Judge. Admittedly, Review Petition has already been filed before the learned Single Judge and in that Review Petition stay of the order granting maintenance as confirmed by the learned Single Judge is also sought.

8. Thus, it is clear that filing of present Writ Petition seeking the reliefs as set out herein above, is total abuse of process of law.

9. Accordingly, the Writ Petition is dismissed with cost.

[MADHAV J. JAMDAR, J.]

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