

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.681 OF 2025

Indiradevi Navratanmal Sipani & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Kishor Salunkhe i/b Kajal Singh, for the Petitioners.

Ms. S. G. Talhar, APP, for the Respondent - State.

Mr. Sandeep Kumar Singh, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 24 MARCH 2025

P.C.:

1. Heard Mr. Kishor Salunkhe, learned Counsel appearing for the Petitioners and Mr. Sandeep Kumar Singh, learned Counsel appearing for Respondent No.2.

2. By the present Writ Petition the challenge is to the legality and validity of the Order dated 31st December 2024 passed by the learned Chief Judicial Magistrate, Thane below Exhibit - 30 in PWDVA Application No.348 of 2023 ("impugned Order"). The operative part of the impugned Order reads as under :-

"ORDER

1. Application (Exh.30) is allowed.

2. *Respondent Nos.1 to 3 are hereby temporarily restrained from alienating or creating third party interest over the shared household i.e. flat No.502, Daffodils, Sadguru Garden, Mithbunder Road, Near Mangala School, Kopri, Thane (E), Thane 400603 possessed by the applicant till final decision of main petition.*
3. *Respondents are hereby temporarily restrained from dispossessing the applicant and from interfering her right of shared household in flat No.502, Daffodils, Sadguru Garden, Mithbunder Road, Near Mangala School, Kopri, Thane (E), Thane 400603 till final disposal of main petition.*
4. *Respondent No.1 shall pay Rs.10,000/- towards costs of this application.*
5. *A copy of this order be given to parties to the proceedings and Officer In Charge of concerned Police Station free of cost as per Section 24 of Domestic Violence Act.”*

(Emphasis added)

3. By the impugned Order, the said Application bearing Exhibit - 30 filed under Section 19 of the *Protection of Women from Domestic Violence Act, 2005* is allowed and the Respondents in said DV proceedings are restrained from alienating or creating third party interest over the shared household and dispossessing or in any manner disturbing possession of the Applicant i.e. present Respondent No.2 from the share household.

4. It is an admitted position that the Applicant i.e. Respondent No.2 was staying in the said premises since her marriage i.e. 27th November 2015 till her dispossession by the Petitioners after passing of the

impugned Order.

5. Thus, no interference in the impugned Order is warranted under the jurisdiction of this Court under Article 227 of the Constitution of India and the Writ Petition is dismissed.

6. One more factor which is required to be taken into consideration is that, although by Order dated 31st December 2024, the learned Chief Judicial Magistrate, Thane *inter alia* restrained the present Petitioners from dispossessing the Respondent No.2 i.e. Applicant from the suit premises, the Respondent No.2 along with her minor daughter, aged 12 years, have been dispossessed from the suit premises even after passing of the impugned Order in total breach of the impugned Order.

7. Accordingly, although the Writ Petition is dismissed, the same is dismissed with cost of Rs.25,000/- to be paid by the Petitioners to the Respondent No.2.

8. The Petitioners are directed to immediately restore the possession of the Respondent No.2 along with minor daughter aged 12 years within a period of 3 days from today.

9. Stand over to **28th March 2025** for reporting compliance of this Order.

[MADHAV J. JAMDAR, J.]