

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.829 OF 2025

Areej Mariya Taslim Pambra

...Petitioner

Versus

Taslim Abdul Sattar Pambra & Ors.

...Respondents

Mr. Girish M. Agarwal, for the Petitioner.

Mr. Sanjeev Rapolu a/w Kaustubh Salvi, for Respondent Nos.1 to 5.

CORAM: MADHAV J. JAMDAR, J.

DATED: 13 FEBRUARY 2025

P.C.:

1. Heard Mr. Girish Agarwal, learned Counsel for the Petitioner and Mr. Sanjeev Rapolu, learned Counsel for Respondent Nos.1 to 5.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 4th October 2024 passed by the learned Judge, City Civil & Sessions Court, Mazgaon, Greater Mumbai in Criminal Appeal No.527 of 2024. In said Criminal Appeal No.527 of 2024, the challenge is to the legality and validity of the Order dated 31st July 2024 passed by the learned 4th Additional Chief Metropolitan Magistrate, Girgaon, Mumbai, by which interim maintenance of Rs.15,000/- has been granted to the Petitioner in Case No.42/DV/2023.

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3. It is the submission of Mr. Agarwal, learned Counsel for the Petitioner that by the impugned Order the entire proceedings are stayed when the challenge in said Criminal Appeal was to the Order granting maintenance. He relies on the Judgment and Order dated 11th June 2024 passed by a learned Single Judge in Criminal Writ Petition (St.) No.6097 of 2024 in the matter of *Priyanka Vinod Ahire v. Vinod Satish Ahire & Anr.*

4. There is substance in the contention of Mr. Agarwal, learned Counsel for the Petitioner that as the impugned Order in said Appeal is only concerning payment of maintenance, there is no necessity to stay the entire proceedings.

5. However, Mr. Rapolu, learned Counsel for Respondent Nos.1 to 5 states that the said Criminal Appeal No.527 of 2024 has been placed for hearing on 20th February 2025.

6. Accordingly, in the interest of justice, following Order is passed :-

- (i) Order dated 4th October 2024 passed by the learned Judge, City Civil & Sessions Court, Mazgaon, Greater Mumbai in Criminal Appeal No.527 of 2024 is quashed and set aside.
- (ii) Mr. Rapolu, learned Counsel for Respondent Nos.1 to 5, on instructions of the Respondent No.1, who is personally present in Court, states that an amount of Rs.1,00,000/- will be deposited in the account of the Petitioner on or before 20th

February 2025. He states that w.e.f. 1st March 2025 an amount of Rs.7,500/- per month will be deposited in the account of the Petitioner on or before the 10th day of each month. Said statements made by Mr. Rapolu, learned Counsel for Respondent Nos.1 to 5, on instructions of the Respondent No.1, who is personally present in Court, are accepted as undertakings given to the Court. In view of the said statements, Order dated 31st July 2024 passed by the learned 4th Additional Chief Metropolitan Magistrate, Girgaon, Mumbai is stayed till pendency of the said Criminal Appeal No.527 of 2024.

(iii) It is clarified that, if there is default in deposit of said amount of Rs.1,00,000/- or any monthly instalment, then stay granted to the Order dated 31st July 2024 stands automatically vacated.

7. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]