

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2583 OF 2025

Vicky Manoj Shah

...Petitioner

Versus

Kanal Vicky Shah & Anr.

...Respondents

Mr. Nitesh Bhutekar a/w Ms. Kiran Yadav, for the Petitioner.

Ms. Pooja Jalan a/w Ms. Mayuri Donwalkar, for the Respondent No.1.

Ms. R. S. Tendulkar, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 5th MAY 2025

P.C.:

- 1.** Heard the learned Counsel appearing for the respective parties.
- 2.** The challenge in the present Writ Petition is to the order dated 22nd April 2025 passed by the learned Principal Judge, Family Court, Mumbai below Exhibit-30 in Criminal Miscellaneous Application No.23 of 2024. By the impugned order the present Petitioner has been directed to move out of the Respondent No.1's house within a period of 4 days.
- 3.** The Petitioner tenders affidavit/undertaking dated 5th May 2025. The Petitioner is undertaking that he will vacate the premises in question on or before 28th May 2025. He further undertakes that he will not enter the bedroom occupied by the Respondent No.1 during his stay in the said premises till 28th May 2025. Both these statements made in the written undertaking dated 5th May 2025 are accepted as undertakings given to this Court.

4. It is made very clear that if the Petitioner – Vicky Manoj Shah commits breach of any of the undertakings then apart from other action he will be liable for contempt action for violation of undertaking given to this Court. It is further made clear that if on or before 28th May 2025 the Petitioner fails to vacate the premises then immediately Court Receiver, High Court, Bombay shall stand appointed with respect to Flat No.1204, 12th floor, Satyaki Nagar, Opp. Bombay Dyeing Mill Gate No.2, Lower Parel, Mumbai – 400 013. The Court Receiver, shall immediately take steps to remove the Petitioner from the said premises. The initial charges of Court Receiver, will be deposited by the Respondent No.1 in case Court Receiver is required to be appointed and Petitioner shall reimburse the same.

5. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]