
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3617 OF 2025

Ajinkya Arun Firodia

...Petitioner

Versus

Aparna Ajinkya Firodia

...Respondent

Ms Taubon Irani a/w B. M. Patwardhan i/b Ms Bhagyashree Patwardhan for the Petitioner.

Mr. Rohaan Cama i/b Ms Sapana Rachure for the Respondents.

Mr. S. S. Ghag, APP, for the Respondent-State.

CORAM: MANJUSHA DESHPANDE, J.

DATE : 07th JULY 2025

P.C.:

1. The Petitioner is seeking direction to quash and set aside the Order passed (below Exhibit-5) dated 02nd May 2025 in PWDVA Appeal No. 194 of 2024, passed by the Additional Sessions Judge, Pune, to the extent of conditions put in the said order for stay of Clause No. 4 of the order passed by the J.M.F.C. Court No. 9, Pune (below Exhibit-5) in Criminal Miscellaneous Application No. 992 of 2021, dated 5th November 2024.

2. It is the contention of the Petitioner-husband that the order below Exhibit-5 has been passed by the J.M.F.C. Court No. 9,

Pune, on 5th November 2024 in the Domestic Violence Complaint filed by the Respondent-wife, wherein the Petitioner-husband was directed to pay Rs.3,00,000/- per month to the Applicant No.1-wife towards the interim maintenance, and Rs.1,00,000/- per month to Applicant Nos. 2 and 3 towards the food, clothes, maintenance, etc. from the date of filing of the Application till the final decision of the Application. Further directions were given to restore the possession of the Applicants and the care taker of children within one month from the date of the said order in the shared household on the given address, i.e. Swagat, S.No.106/A/1/20, Shivajinagar, Off Senapati Bapat Road, Pankumar Firodia Path, Pune 411016.

The Petitioner is also directed to provide a new BMW Car or equivalent or Innova car with a driver for convenience of the applicants for going to school and classes within one month from the date of the said order, as provided under the Act, till the final decision of below Exhibit – 5. There are other directions given in the said order. Taking exception to the said order, the Petitioner-husband herein had filed the Appeal before the Sessions Court, Pune, alongwith an Application below Exhibit–5. The Application

was heard and decided by the Additional Sessions Judge, Pune vide Order dated 02nd May 2025, thereby, partly allowing the Application, the Additional Sessions Judge has granted stay only to the extent of effect, the execution and operation of Clause No. 4 of the operative part of the impugned Order dated 5th November 2024 in Criminal Miscellaneous Application No.992 of 2021, till the disposal of the main Appeal or further order whichever is earlier, subject to condition that the Petitioner- husband shall allow the respondents to reside in his house i.e. at Kasa- 9, Flat No. 5, Baner or in alternative shall pay monthly rent at the rate of Rs.1,25,000/- to the respondents towards alternate accommodation.

3. It is submitted that the order passed by the J.M.F.C. was subject matter of review filed by the Petitioner before the J.M.F.C., and the hearing of the review has already taken place and it is reserved for final orders.

4. It is submitted that, considering that the Additional Sessions Judge has granted stay only to the extent of clause- 4 of the operative part of the impugned order, the Petitioner-husband

herein has filed a review before the Sessions Court, however the learned Counsel for the Petitioner submits that, if this Court directs the Sessions Court to decide the Appeal within a limited period, the Petitioner would not press the review filed by him.

5. Learned Counsel for the Respondent-wife opposes the Writ Petition submitting that, considering it is the money decree the Petitioner-husband be directed to deposit some amount if they are going to press for stay of the orders passed by both the courts, and unless the Petitioner deposits some amount, the relief prayed by him should not be granted.

6. It is informed that the Appeal before the Sessions Court is listed on 10th July 2025. It is informed by the learned briefing Counsel that, the matter is now at the stage of final hearing. It would be therefore appropriate to direct the Sessions Judge to hear the Appeal and dispose it off, within a period of fifteen days.

7. The learned Counsel for the Petitioner submits that she will not insist for the stay, if this Court gives direction to the Sessions Court for deciding the Appeal itself within the limited period, in my opinion, it would be appropriate to direct the Additional

Sessions Judge, Pune to decide the pending appeal itself within a period of 15 days.

8. In view of the above statement made by the learned Counsel for the Petitioner, the Writ Petition stands disposed off.

[MANJUSHA DESHPANDE, J.]