

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO.4181 OF 2025**

Subhash Mahesh Sharma

...Petitioner

*Versus*

The State of Maharashtra & Ors.

...Respondents

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Mr. Ashok M. Saraogi, for the Petitioner.

Mr. Manoj Jaiswal a/w Vedant Gurav, for the Respondent No.2.

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**CORAM: MADHAV J. JAMDAR, J.**

**DATED : 12<sup>th</sup> DECEMBER 2025**

**PC:-**

1. Mr. Saraogi, learned Counsel for the Petitioner, mentioned this matter in the morning, as the learned JMFC has issued Distress Warrant against the Petitioner. In view of the urgency the matter is taken up on the production board.

2. The challenge in this Writ Petition is to the order dated 01<sup>st</sup> July 2025 passed by the learned Additional Sessions Judge, Thane in PWDVA Appeal No.33 of 2025 and PWDVA Appeal No.38 of 2025. By the said order dated 01<sup>st</sup> July 2025, the said Appeals, were dismissed. Resultantly order dated 31<sup>st</sup> January 2025 passed

by learned Chief Judicial Magistrate, Thane in PWDV Application No.282 of 2018 is confirmed.

3. The learned Chief Judicial Magistrate, Thane by said order dated 31<sup>st</sup> January 2025 has granted maintenance of Rs.80,000/- per month which order was challenged by filing said PWDVA Appeals and the said Appeals have been dismissed by the impugned order dated 01<sup>st</sup> July 2025 of the learned Additional Sessions Judge, Thane.

4. The Distress Warrant has been issued as the Petitioner has not paid the maintenance as granted by the said order dated 31<sup>st</sup> January 2025.

5. It is significant to note that the learned Additional Sessions Judge while dismissing the Appeals have *inter alia* taken into consideration that the Petitioner -Subhash Mahesh Sharma i.e. husband is the Director of two Companies namely Kalpataru Polyster and Kalpataru Synthetics and the net worth of Kalpataru Synthetics is Rs.27.58 Crores and net worth of Kalpataru Polyster is Rs.4.35 Crores. The learned Sessions Court has also taken into

consideration that Respondent No.2 -Nirmala @ Niru Subhash Sharma i.e. wife in her Assets and Liability Affidavit has enlisted 21 properties of her husband and parents in-law. In the said Affidavit it has been stated that on 30<sup>th</sup> January 2020 they have booked two flats in Avlon Society project of Seth Builders and as per the contention of Respondent No.2 -Wife both flats are 5 BHK flats worth of Rs.10 to 14 Crores. Mr. Saraogi, learned Counsel appearing for the Petitioner denies the same.

6. It is required to be noted that as per the contention of the learned Counsel appearing for the Respondent No.2 -Wife in this case the arrears are of Rs.35,70,000/- and in other cases arrears are of Rs.16,10,000/-.

7. Mr. Saraogi, learned Counsel submits that the financial condition of the Petitioner is not good and therefore he is not able to pay the said amount.

8. Mr. Jaiswal, learned Counsel of the Respondent submits that the Petitioner is Director in said two Companies namely Kalpataru Polyester and Kalpataru Synthetics and the net worth of Kalpataru

Synthetics is Rs.27.58 Crores and net worth of Kalpataru Polyester is Rs.4.35 Crores and the Petitioner and his family are the owners of several properties and totally false case is made out.

9. Stand over to **20<sup>th</sup> January 2026**.

10. It is clarified that this Court has not granted any stay as *prima facie* no case is made out for granting ad-interim relief of stay.

**[MADHAV J. JAMDAR, J.]**