



Order

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 384 OF 2025.

Abdul Rabbani Abdul Majid and another.

-VERSUS-

Irfana Anjum Sheikh Mohd. Rais and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.M. Chandekar, Advocate for the Petitioner.

Shri A.B. Mirza, Advocate for Respondents.

CORAM : M.M. NERLIKAR, J.

DATE DECEMBER 01, 2025.

Heard.

2. Both the learned Counsel submits that it is an admitted fact that affidavits of assets and liabilities is not filed by both the parties. In view of this position and in view of the law laid down by the Hon'ble Supreme Court in case of **Rajnesh vrs. Neha and**

Rgd.

another – (2021) 2 SCC 324, it is incumbent on the parties to file affidavits of assets and liabilities.

3. As limited question arise, both parties consented to file affidavits of assets and liabilities and requested for remanding the matter to the trial Court. Considering this fact, the impugned order is quashed and set aside, the matter is remanded back to the trial Court for filing affidavits of assets and liabilities.

4. Needless to mention that after filing of affidavits of assets and liabilities, the trial Court shall pass fresh order considering the same.

5. It is brought to the notice of this Court by the learned Counsel for petitioners that this Court has directed petitioners to deposit 50% of the total arrears, and accordingly 50% of the amount is deposited as directed. The learned Counsel appearing for respondents submits that respondents were permitted to withdraw 50% of the amount so deposited by the

petitioners, however, 50% is still is in deposit with this Court and requests that the said amount be permitted to be withdrawn. Permission granted, respondents are permitted to withdraw the remaining 50% amount lying in deposit with this Court along with the accrued interest.

6. In view of above, Criminal Writ Petition is disposed of.

JUDGE