

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 5124 OF 2025

Nayab Ahmed Vasi Haider Khan ...Petitioner

V/s.

Neha Fatima Nayab Ahmed Khan and Anr. ...Respondents

Mr. Akhlaque Md. S. Solkar, Advocate for the Petitioner.
Mr. Deepak Shukla, a/w Mr. Praveen Maurya i/b BNS Legal,
Advocate for Respondent No.1.
Ms. Rutuja Ambekar, APP for the Respondent No.2/State.

CORAM : N.R. BORKAR, J.
DATE : 21.04.2026.

P.C. :

1. This petition takes exception to the judgment and order dated 18.06.2024 passed by the Additional Sessions Judge, Thane, in PWDVA Appeal No. 47 of 2023 to the extent of directing the petitioner to pay maintenance at the rate of Rs.10,000/- per month.

2. I have heard the learned counsel for the parties.

3. In an application filed by respondent No.1 under the

provisions of the Protection of Women from Domestic Violence Act, the learned Magistrate, by order dated 16.02.2023, directed the petitioner to pay maintenance at the rate of Rs.10,000/-. In the appeal filed by the petitioner against the said order, by the order impugned though the learned Additional Sessions Judge has quashed the order passed by the learned Magistrate and directed the learned Magistrate to decide the application at Exh.5 afresh, however, at the same time directed the present petitioner to pay maintenance at the rate of Rs.10,000/- per month to the respondent No.1 herein till the decision of the said application.

4. The learned counsel for the petitioner, on instructions, submits that in addition to the amount of Rs.1,00,000/- which the petitioner has paid to respondent No.1 pursuant to the order passed by this Court dated 25.02.2025, the petitioner is willing to pay further amount of Rs.2,00,000/- to respondent No.1 within a period of eight weeks from today. It is submitted that order impugned to the extent of directing the petitioner to pay Rs.10,000/- be quashed as the same is not permissible.

5. There is a substance in the submission of the learned

counsel for the petitioner. In that view of the matter, the following order is passed :

ORDER

i) The order impugned to the extent of directing the present petitioner to pay the maintenance at the rate of Rs.10,000/- per month is hereby quashed and set aside.

ii) The learned Magistrate shall decide the application at Exh. 5 in PWDVA Application No. 344 of 2025 within a period of ten weeks from the date of receipt of a copy of this order.

iii) The petitioner shall pay an amount of Rs. 2,00,000/- to respondent No.1 within a period of eight weeks.

6. The petition is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]