

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

WRIT PETITION NO. 5417 OF 2024

Kirti Amar Lalwani

...Petitioner

V/s.

Amar Veerbhan Lalwani and Anr.

...Respondents

Adv. Rimpal Trivedi, a/w Adv. Harshida Bhanushali, a/w Adv. Kanchan K., Advocate for the Petitioner.

Adv. Mahesh Joshi, a/w Adv. Mukta S., a/w Adv. Prashant M., Advocate for the Respondent No.1.

Ms. S. M. Yadav, APP for the Respondent No.2/State.

CORAM : N.R. BORKAR, J.
DATE : 07.04.2026.

P.C. :

1. This petition takes exception to the order dated 18.07.2024 passed by the Additional Sessions Judge, Thane, in PWDVA Appeal No. 22 of 2024.

2. The petitioner/wife has filed an application under the provisions of the Protection of Women from Domestic Violence Act, 2005, for various reliefs.

3. By order dated 05.04.2024, the learned trial Court

directed the respondent/husband to pay an amount of Rs.7,000/- per month towards interim maintenance.

4. Being aggrieved and dissatisfied with the quantum, the petitioner filed an appeal for enhancement of amount of maintenance before the Sessions Court. By the order impugned, the learned Sessions Court has enhanced the amount of maintenance from Rs. 7,000/- to Rs. 10,000/-.

5. The present petition is filed for further enhancement of amount of maintenance. However, from the impugned order it appears that before the Sessions Court, prayer was made to enhance the amount of maintenance from Rs.7,000/- to Rs.10,000/- only. The learned counsel for the petitioner submits that prayer was made to enhance the amount of maintenance to Rs.50,000/- and the Sessions Court has wrongly recorded the said submission in the impugned order.

6. On the other hand, the learned counsel for the respondent submits that there is nothing to show that the submission for enhancement of maintenance as recorded in the

impugned order was not made.

7. Considering the facts and circumstances, it would be appropriate to set aside the order impugned and direct the Sessions Court to decide Appeal No.22 of 2024 afresh. Accordingly, the following order is passed :

ORDER

- i) The petition is partly allowed.
 - ii) The order impugned is set aside.
 - iii) The learned Sessions Court shall decide the Appeal No. 22 of 2024 afresh within a period of six months from the date of receipt of copy of this order.
8. The petition is disposed of in the aforesaid terms.
9. All contentions of the parties are kept open.

[N.R.BORKAR, J.]