

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.115 OF 2025

Yasmeen Bano Shah ...Applicant
Versus
Faisal Fateh Mohammed Shah & Ors. ...Respondents

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Mr. Shreyash Sudhir Butala, *for the Applicant.*
Mr. Satyaram R. Gaud *a/w Usman Memon, for Respondent No.1.*
Mr. Nitin C. Pawar, *Court Receiver, High Court, Bombay, present.*

CORAM: MADHAV J. JAMDAR, J.
DATED: 27 FEBRUARY 2026

P.C.:

1. By the present Criminal Revision Application, the Applicant is challenging the legality and validity of the Order dated 3rd May 2023 passed by the learned Metropolitan Magistrate, 13th Court, Dadar, Mumbai below Exhibit-4 in CC No.67/DV/2022 as well as the Order dated 29th November 2023 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai in Criminal Appeal No. 398 of 2023 (“***Impugned Orders***”).

2. By the impugned Order dated 3rd May 2023, the learned Metropolitan Magistrate has directed payment of Rs.15,000/- per month to the Applicant and also directed payment of Rs.10,000/-

per month to the minor son as *interim* maintenance. The said Order has been confirmed by the Order dated 29th November 2023 passed by learned Additional Sessions Judge.

3. Mr. Butala, learned Counsel for the Applicant raised the following contentions :

- i. The learned Trial Court rejected the relief of residence order on the ground that the Applicant is staying with her parents.
- ii. The *interim* maintenance has been ordered to be paid from the date of the order. The *interim* maintenance granted is meagre as per the standard of living and financial capacity of the husband. He submits that the direction to pay maintenance from the date of the Order is totally illegal. To substantiate the said contention, he relies on the decision of the Supreme Court in ***Rajnesh v. Neha***¹.
- iii. He submits that the family of the Respondent No.1 is very wealthy, having 3 flats in the Kedy Tower at Nagpada, Mumbai, namely Flat Nos.801, 802 and 905. He further

1 (2021) 2 SCC 324

submits that Flat Nos.801 and 802 which are in aggregate of 1,400 sq.ft. and Flat No.905, admeasuring 650 sq. ft., were solely used for the residence of the Applicant and Respondent No.1, and, therefore, the same is the share household as per the provisions of the Protection of Women from Domestic Violence Act, 2005 (“**D.V. Act** ”). He submits that the learned Trial Court as well as the learned Appellate Court have refused to grant relief only on the ground that the Applicant is residing with her parents.

- iv. As far as meagre maintenance awarded, it is submitted that the family has a factory at Madanpura, Mumbai in the name and style of “Sagar Frames Manufacturers”, which is about 1800 sq. ft. area, wherein about 15-20 people are employed. In the said factory, Respondent No. 1 and his family members are conducting a manufacturing business of MS Brass Fittings, Ladies Purse and Shoe Fittings materials and have a huge turnover. It is submitted that they also have a shop opposite to the said factory.
- v. It is submitted that apart from the aforesaid 3 flats, there is another property at Faras Road, Mumbai admeasuring about

2000 sq. ft. which is 'Ground+1' structure and given on rent and there is one more property on the first floor adjacent to the said property. It is submitted that the Respondents have also some immovable property and a shop behind Sagar Hotel at Nagpada and two more houses at Kamathipura. It is submitted that there are many properties belonging to the Respondent No. 1 and his family members.

vi. It is submitted that joint family income is very huge i.e. about Rs.40,00,000/- per month and out of the same, the father-in-law used to do a lot of charity work. It is submitted that the father-in-law had constructed a Road at Mariyahu, Jaunpur. In fact, the father-in-law used to run a *Madrassa*.

vii. It is submitted that the rental income received by the Respondents from several properties is around Rs.10,00,000/- per month. It is submitted that, the family is highly rich and living luxurious life and, therefore, demand of Rs.1,00,000/- as maintenance each for herself and minor son Yasir and a separate residence for them is very moderate and reasonable. It is submitted that although it is sought to

be contended that the business was earlier belonging to the grandfather and thereafter father and now the said business belongs to his brother and he is just an employee at “Sagar Frames Manufacturers” but the bank statements annexed to the Affidavit of Assets and Liabilities of the Respondent No. 1 (Pages 229-231) shows that his occupation has been mentioned as a “Small Businessman” and a “Trader”. It is submitted that in fact, the Visiting Card of “Sagar Frames Manufacturers” shows the names of both the father and the present Respondent as of said “Sagar Frames Manufacturers”. It is submitted that various NCs were required to be filed by the Applicant-wife before the Police Authorities due to the harassment caused to her by the Respondent-husband and, therefore, protective order ought to have been granted as per the prayer clause (g). It is submitted that, in fact, the Applicant and her son have been thrown out from the shared household and, therefore, the Applicant is entitled for protective order. The Applicant has been thrown out from the share household and, therefore, it is absolutely necessary that the share household be also allowed to be occupied by the Applicant and her minor son.

viii. Reliance is placed on various decisions i.e. *Rajnesh* (supra) and *Manish Jain v. Akanksha Jain*². It is submitted that burden is on the Respondent No. 1 to prove his income. Reliance is also placed on the decision of a learned Single Judge in *Prakash v. Vithabai*³.

ix. It is submitted by the Applicant that the Respondent-husband has remarried and has a son of 10 months. It is submitted that the family is having luxurious lifestyle. Therefore, the Respondent No. 1 has come up with a totally false case.

4. On the other hand, Mr. Gaud, learned Counsel for Respondent No.1 raised the following contentions :

i. The business was of the Respondent's father and the Respondent No. 1 was working as assistant. However, after the death of the father, the business was transferred to his brother and the Respondent No. 1 is merely working with the brother and getting salary of Rs.25,000/-. Learned

2 (2017) 15 SCC 801

3 2024 SCC OnLine Bom 1487

counsel submits that the Respondent's brother is paying salary by cash. It is submitted that apart from the said income, the Respondent No. 1 has no other income.

- ii. It is submitted the Respondent No. 1 is paying maintenance of Rs.25,000/- per month granted to the Applicant and the child regularly and till date, there are no arrears and, therefore, no interference in the impugned orders is warranted.
- iii. It is submitted that, in fact the Consent Terms have been executed before the *Kazi* and, therefore, the maintenance application is not maintainable. However, Mr. Gaud, learned Counsel for Respondent No.1, on instructions of Respondent No.1, who is present in Court, fairly admits that the said Consent Terms have not been signed by the Applicant-wife.
- iv. It is submitted that Respondent No.1 is paying educational expenses. It is further submitted that scope of Revision is very limited and, therefore, no interference in the revisional jurisdiction is warranted.

v. It is submitted that the Applicant is having an independent business of Cake, which she is running from home and she is promoting it on the Instagram, social media and sharing her own mobile phone for accepting orders. It is, therefore, submitted that the Applicant is having independent income and not entitled for maintenance and in any case interference in the impugned orders is not warranted.

vi. It is submitted that the Applicant herself has left the company of the Respondents and staying separately. It is submitted that despite several attempts to bring her back, she refused to cohabit and, therefore, she is not entitled for maintenance.

5. Before considering the rival contentions, it is relevant to note that an attempt has been made to resolve the dispute amicably. However, the Respondent-husband has stated that he will pay a maximum amount of Rs.50,000/- per month and nothing more than that towards maintenance and the residence right of the Applicant and his son who is 12 years of age. Thus, in view of this, the Criminal Revision Application is heard finally.

6. Before considering the rival contentions, it is necessary to set out certain factual aspects:

- i. The marriage between the Applicant and Respondent No.1 took place on 25th May 2013.
- ii. The child was born on 13th April 2014. It is undisputed that Flat No.905, 'A' Wing, Kedy Tower, Bellasis Road, Nagpada, Mumbai-400 008 is the share household, as the wife and son were residing along with Respondent No.1 in said flat No.905 ("**said flat**").
- iii. As the wife suffered domestic violence, she lodged Police complaints on number of occasions including on 26th April 2019, 26th September 2020, 16th October 2020, 23rd October 2020 and 1st November 2020. It is the contention raised by the Applicant-wife that she suffered atrocious behaviour, abuses, assault and threats given to her and her parents by Respondent No.1. It is her contention that not only Respondent No.1 has ill-treated her but also has not taken care of the minor son. It is the contention of the Applicant-wife that she has been thrown out of the house

along with the son, whereas it is the contention of Respondent No.1 that she voluntarily left the house.

- iv. However, perusal of the record shows that even if it is assumed that the wife has left the matrimonial house, several complaints have been lodged with the Police Authorities, including on 26th April 2019, 27th April 2019, 26th September 2020, 16th October 2020, 23rd October 2020 and 1st November 2020, and therefore, the material on record supports the contention that the applicant and her son was thrown out of the share.

7. There is substance in the contention raised by learned Counsel for the Applicant, that both the Courts have completely erred in denying the relief under Section 19(f) of the *Protection of Women from Domestic Violence Act, 2005* (“**D.V. Act**”) regarding protecting the aggrieved person from deprivation of her share household. The reason given by the learned Courts that the Applicant is not entitled for the said relief as the Applicant is staying with her parents is totally illegal. It is admitted position that the Applicant after her marriage with the Respondent No. 1 started staying in the said flat. After the birth of the son, all three

namely, the Applicant, Respondent No. 1 and son started staying in the said flat. The Applicant and son were staying with the Respondent No. 1 till either they were thrown out of the residence or due to the conduct of the Respondent No. 1, the Applicant along with son left the said residence and shifted to the residence of her parents. In any case, it is very clear that the said flat is the share household as per the provisions of the D.V. Act.

8. In the facts and circumstances, it is absolutely necessary that the residence order as contemplated under Section 19 of the D.V. Act is required to be passed. It is required to be noted that in this case Respondent No.1, who is the husband, not only thrown out the Applicant and her son from share household or created such a situation that both of them vacated the said flat, however, thereafter he has remarried and now he has a son, aged 10 months.

9. It is undisputed that Flat Nos. 801 and 905 are in the name of mother-in-law and Flat No.802 is in the name of father-in-law. It is also an admitted position that the mother-in-law and other relatives are staying in Flat Nos.801 and 802. As far as Flat No.905

is concerned, it is occupied by Respondent No.1 and his second wife along with minor child.

10. It is significant to note that the Respondent No.1 who is present in Court, admits that before the Applicant left the premises he was occupying Flat No.905 along with the Applicant and his son. Now, he states that the said flat is being occupied by his second wife and 10 months old son and mother also sometimes stays in said flat and sometimes in the flat on 8th floor.

11. It is undisputed that Flat No.802 was standing in the name of the father and father has passed away. It is fairly admitted that after the death of the father, Respondent No.1 as also his son who has been deprived benefit of share household has share in said Flat No.802. Admittedly, said Flat No.802 along with Flat No.801 is occupied by the mother-in-law as well as by brother and their family members of Respondent No.1. However, it is very clear that the Applicant has been thrown out of the share household and her statutory rights have been affected. Thus, the learned Metropolitan Magistrate as also the learned Sessions Court has committed grave illegality and irregularity in not passing the *interim* order i.e. residence Order under Section 19 of the D.V. Act.

12. As far as the maintenance is concerned, Respondent No.1 has come up with a case that earlier his father was the owner of the business and he was assisting the father and after the death of the father, the brother - Sadiq Ali Shah has taken over the business.

13. In view of the said contention raised by Respondent No.1, it is relevant to note the observations of the Supreme Court in ***Manish Jain*** (supra), wherein in the facts of that case, it has been held that, the husband was hiding his income by trying to show himself as a pauper. It has been further observed that it had now become a matter of routine that when an application for maintenance is filed by the wife, the Respondent-husband suddenly becomes poor and it is shown as if he is separated from his family members who have a good business and number of movable and immovable properties in their name. It has been observed by the Supreme Court that the Courts cannot under these circumstances close their eyes when tricks are being played in a clever manner. The said observations of the Supreme Court in ***Manish Jain*** (supra) are squarely applicable to the present case.

14. If the facts of the present case are examined on the touchstone of the above observations of the Supreme Court, then it

is clear that the Respondent No. 1 has come up with totally false case. It is his contention that he is working as employee with his brother and the brother is paying salary of Rs.25,000/- per month to him. It is his case that he is regularly paying the maintenance of Rs.25,000/- per month granted to the Applicant-wife and the child. Apart from that, he is maintaining his second wife and a son, aged 10 months. Thus, it is very clear that Respondent No.1 has come with totally false case.

15. In view of the above factual position, it is necessary to set out the observations of the Supreme Court in the decision of *Kusha Duruka v. State of Odisha*⁴ and more particularly, Paragraph Nos.1 to 6 of the same, which read as under:

“Leave granted. This is another case in which an effort has been made to pollute the stream of administration of justice.

2. About three decades ago, this Court in Chandra Shashi v. Anil Kumar Verma [Chandra Shashi v. Anil Kumar Verma, (1995) 1 SCC 421 : 1995 SCC (Cri) 239] was faced with a situation where an attempt was made to deceive the Court and interfere with the administration of justice. The litigant was held to be guilty of contempt of court. It was a case in which the husband had filed fabricated document to oppose the prayer of his wife seeking transfer of matrimonial

4 (2024) 4 SCC 432

proceedings. Finding him guilty of contempt of court, he was sentenced to two weeks' imprisonment by this Court. This Court observed as under : (SCC pp. 423-24 & 427, paras 1-2 & 14)

“1. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned.

2. Anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice.

14. The legal position thus is that if the publication be with intent to deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice. It would, in any case, tend to interfere with the same. This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt.”

3. In K.D. Sharma v. SAIL [K.D. Sharma v. SAIL, (2008) 12 SCC 481] it was observed by this Court : (SCC p. 493, para 39)

“39. If the primary object as highlighted in Kensington Income Tax Commrs. [R. v. General Commissioners for the Purposes of the Income Tax Acts for the District of Kensington, ex p Princess Edmond De Polignac, (1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (KB & CA)] is kept in mind, an applicant who does not come with candid facts and “clean breast” cannot hold a writ of the court with “soiled hands”. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court.”

(emphasis supplied)

4. In Dalip Singh v. State of U.P. [Dalip Singh v. State of U.P., (2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324] , this Court noticed the progressive decline in the values of life and the conduct of the new creed of litigants, who are far away from truth. It was observed as under : (SCC pp. 116-17, paras 1-2)

“1. For many centuries Indian society cherished two basic values of life i.e. “satya” (truth) and “ahimsa” (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-

Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, *interim* or final.”

(emphasis supplied)

5. In *Moti Lal Songara v. Prem Prakash* [*Moti Lal Songara v. Prem Prakash*, (2013) 9 SCC 199 : (2013) 3 SCC (Cri) 872], this Court, considering the issue regarding concealment of facts before the Court, observed that “court is not a laboratory where children come to play”, and opined as under : (SCC p. 208, paras 19-20)

“19. The second limb of the submission is whether in the obtaining factual matrix, the order passed by the High Court discharging the respondent-accused is justified in law. We have clearly stated that though the respondent was fully aware about the fact that charges had been framed against him by the learned trial Judge, yet he did not bring the same to the notice of the Revisional Court hearing the revision against the order taking cognizance. It is a clear case of suppression. It was within the special knowledge of the accused. Anyone who takes recourse to method of suppression in a court

of law, is, in actuality, playing fraud upon the court, and the maxim *suppressio veri, expressio falsi* i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. We are compelled to say so as there has been a calculated concealment of the fact before the Revisional Court. It can be stated with certitude that the respondent-accused tried to gain advantage by such factual suppression. The fraudulent intention is writ large. In fact, he has shown his courage of ignorance and tried to play possum.

20. The High Court, as we have seen, applied the principle “when infrastructure collapses, the superstructure is bound to collapse”. However, as the order has been obtained by practising fraud and suppressing material fact before a court of law to gain advantage, the said order cannot be allowed to stand.”

(emphasis supplied)

6. It was held in the judgments referred to above that one of the two cherished basic values by Indian society for centuries is “satya” (truth) and the same has been put under the carpet by the petitioner. Truth constituted an integral part of the justice-delivery system in the pre-Independence era, however, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, the values have gone down and now litigants can go to any extent to mislead the court. They have no respect for the truth. The principle has been evolved to meet the challenges posed by this new breed of litigants. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, *interim* or final. Suppression of material facts

from the court of law, is actually playing fraud with the court. The maxim *suppressio veri, expressio falsi* i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. It is nothing but degradation of moral values in the society, may be because of our education system. Now we are more happy to hear anything except truth; read anything except truth; speak anything except truth and believe anything except truth. Someone rightly said that: "Lies are very sweet, while truth is bitter, that's why most people prefer telling lies."

(emphasis supplied)

16. Thus, the Supreme Court has *inter alia* set out the principles that anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shakes the faith of people in the system of administration of justice. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for

personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is required to be dealt with as per the provisions of law. These observations of the Supreme Court are squarely applicable to this case.

17. The material on record clearly show that the family of Respondent No. 1, i.e., the husband and mother-in-law are very wealthy. They are conducting a factory at Madanpura, Mumbai in the name and style of “Sagar Frames Manufacturers”. The said factory is about 1800 sq.ft. It is also an admitted position that about 15 people are employed in the said factory. In the said factory, business conducted is of manufacturing of M.S. Brass fittings, Ladies Purse and Shoe Fittings materials.

18. Thus, it is clear that the income of Respondent No.1 and his family is huge. However, Respondent No.1 has approached the Court with unclean hands. The most important factor is that he is claiming that his salary is only Rs.25,000/- per month and further claiming that he is paying Rs.25,000/- per month as maintenance regularly to be Applicant and apart from that he is maintaining his second wife and son clearly shows that Respondent No.1 has not disclosed his true income and has come with unclean hands.

19. It is also required to note that the position on record shows that the family of the Respondent No. 1 is very wealthy, having 3 flats in the Kedy Tower at Nagpada, Mumbai, namely Flat Nos.801, 802 and 905. Flat Nos.801 and 802 which are in aggregate of 1,400 sq.ft. and Flat No.905, admeasuring 650 sq. ft. Apart from the aforesaid 3 flats, there is another property at Faras Road, Mumbai admeasuring about 2000 sq. ft. which is 'Ground+1' structure and given on rent and there is one more property on the first floor adjacent to the said property. The Respondents have some immovable property and a shop behind Sagar Hotel at Nagpada, Mumbai and two more houses at Kamathipura.

20. The learned Metropolitan Magistrate and the learned Sessions Court have failed to take into consideration these aspects.

21. Although it is the contention of the Respondent No. 1 that he is working as labourer and he is assisting his brother in conducting a business and is paid only salary of Rs.25,000/- per month, however, his bank account describes him as “Small Businessman”. Thus, the case put up by the Respondent No. 1 that the Respondent No. 1 is just working with his brother as an employee of the brother and getting salary of Rs.25,000/- per month, is totally false case. Admittedly, no document has been produced on record to substantiate the contention that Respondent No.1 is working with his brother and getting salary of Rs.25,000/-per month.

22. Although, it is the contention of the Respondent No. 1 that the Applicant is taking orders for cakes and doing the said business from the residence of her parents, it is the contention raised by learned Counsel for the Applicant that very limited income is received from the the said work and the Applicant is forced to do the same as the maintenance of Rs. 25,000/- granted is totally inadequate.

23. Thus, in the facts and circumstances, Respondent No.1 shall pay maintenance of Rs.75,000/- per month to the Applicant-wife and her minor son.

24. In view of the above discussion, the order dated 3rd May 2023 passed by the learned Metropolitan Magistrate, 13th Court, Dadar, Mumbai as confirmed by the order dated 29th November 2023 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai, are quashed and set aside and the following Order is passed:

ORDER

- (a) The order dated 3rd May 2023 passed by the learned Metropolitan Magistrate, 13th Court, Dadar, Mumbai belwo Exh. 4 in CC No.67/DV/2022 as confirmed by the order dated 29th November 2023 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Gr. Mumbai in Criminal Appeal No.398 of 2023 are quashed and set aside and the said application bearing Exhibit-4 in CC No.67/DV/2022 is disposed of in terms of this order.

- (b) The Respondent No.1 shall pay maintenance of Rs.75,000/- per month to the Applicant-wife and minor son w.e.f. 1st February 2026.
- (c) As far as Rs.25,000/- per month which has been granted by the learned Metropolitan Magistrate shall be paid from the date of the application i.e. from 11th May 2022 till 31st January 2026.
- (d) The Applicant is entitled for *interim* residence order as contemplated under Section 19 of the *Protection Of Women From Domestic Violence Act, 2005*.
- (e) The Court Receiver, High Court, Bombay is appointed as Court Receiver with respect to Flat No.905, 'A' Wing, Kedy Tower, Bellasis Road, Nagpada, Mumbai-400 008.
- (f) The Court Receiver, High Court, Bombay shall take immediate possession of said Flat No.905, 'A' Wing, Kedy Tower, Bellasis Road, Nagpada, Mumbai-400 008 from the Respondent-husband or from any other

person who is in occupation of the said flat, forcibly, if required, by breaking open lock and with the assistance of Police and handover the same immediately to the Applicant-wife.

- (g) The Senior Police Inspector, Nagpada Police Station, Mumbai is directed to provide sufficient Police protection to the Court Receiver, High Court, Bombay for implementing this Order.
- (h) Mr. Usman Memon, learned Counsel along with Mr. Gaud, learned Counsel for Respondent No.1, on instructions of Respondent No.1, states that furniture, goods and articles which are lying in the said flat be kept in the said flat.
- (i) The Court Receiver, High Court, Bombay to carry out inventory of household articles and handover the same to the Applicant and Respondent No.1 or furnish the same to their respective Advocates.

- (j) The Applicant shall lodge the papers and proceeding with the office of the Court Receiver, High Court, Bombay as per Rules 596 and 592 of the *Bombay High Court (Original Side) Rules, 1980* within 7 working days from today.
- (k) The Applicant-wife shall also deposit an amount of Rs.50,000/- for cost of the Court Receiver within 7 working days from today.
- (l) The protection Order as contemplated under Section 18 of the *Protection Of Women From Domestic Violence Act, 2005* is also granted.
- (m) Respondents No.1 and 2 and other family members of Respondent No.1 shall not subject the Applicant and her child to any acts of domestic violence, by abuses, assault, torture or aiding or abetting in the commission of acts of domestic violence in any manner whatsoever.

25. The Criminal Revision Application is *disposed of* in above terms of cost of Rs. 50,000/- to be paid by the Respondent No. 1 to the Applicant within a period of 8 weeks.

[MADHAV J. JAMDAR, J.]