

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4218 OF 2025**

Basantidevi Maheshkumar Sharma & Anr. ... Petitioners

Vs.

The State of Maharashtra & Anr. ... Respondents

**WITH
WRIT PETITION NO.4181 OF 2025**

Mr. Ashok M. Saraogi for the Petitioner in WP No.4218 of 2025.

Ms. Seema Sarnaik for the Petitioner in WP No.4181 of 2025.

Mr. Vivek Joshi for Respondent No.2.

Ms. Sulbha Chipade, AGP a/w Mr. Ketan Joshi, 'B' Panel Counsel for the Respondent-State.

CORAM : N.R. BORKAR, J.

DATE : 21ST APRIL 2026

PC. :

1. Both these Petitions take exception to the Common Judgement and Order dated 01st July 2025 passed by the Sessions Court, Thane in Appeals No.33 of 2025 and 38 of 2020.

2. By the impugned Judgement and Order, the Sessions Court has confirmed the order passed by the Learned Chief Judicial Magistrate, Thane dated 31st January 2025 below Exhibit 4 in PWDVA No.282 of 2018, by which the Learned Chief Judicial Magistrate, Thane has directed the present Petitioners to pay the maintenance at the rate of Rs.80,000/- per month to the Respondent No.2. In addition to it, the Learned Chief Judicial Magistrate has restrained the Petitioners from dispossessing the Respondent No.1 from Flat No.602, Building No.11, Flower Valley

Complex CHS, Eastern Express Highway, Thane. The Petitioners are further directed not to create third party interest in respect of the said flat.

3. I have heard Learned Counsel for the Petitioners and Learned Counsel for the contesting Respondent and perused the order passed by the Learned Chief Judicial Magistrate.

4. The reason recorded by the Learned Chief Judicial Magistrate for grant of maintenance reads thus:

“30] It is not in dispute that in Divorce Proceeding before Family Court, Thane, the applicant had applied for grant of interim maintenance. The Hon’ble Family Court had granted the maintenance to the tune of Rs.70,000/- per month. However, as the respondent No.1 has challenged the said order before Hon’ble High Court, the Hon’ble High Court has stayed the order for grant of the maintenance under section 24 of Hindu Marriage Act. Thus, at present no order is in force for grant of maintenance in favour of applicant. Considering the circumstances shown by applicant, for her livelihood she seems to be in a need of interim monetary relief under section 20 of D. V. Act i.e. separate monthly maintenance from respondent No.1.”

5. Today, the Petitioners have withdrawn the Petition which was filed against the order of Family Court granting maintenance at the rate of Rs.70,000/- per month. In that view of the matter, the order of Learned Chief Judicial Magistrate to the extent of grant of maintenance can not be allowed to stand.

6. The order of the Learned Chief Judicial Magistrate to the extent of grant of maintenance is therefore set aside.

7. The Learned Chief Judicial Magistrate shall decide the application at Exhibit 4 to that extent afresh on its own merits.

8. All the contentions of the parties are kept open.
9. The Learned Chief Judicial Magistrate shall endeavour to decide PWDVA No.282 of 2018 within a period of nine months from the date of receipt of copy of this order.
10. The present Writ Petitions are disposed of in the aforesaid terms.

(N.R. BORKAR, J.)