

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.797 OF 2026

Gitanjali Singh

...Petitioner

Versus

Mukesh Jayantilal Jain & Anr.

...Respondents

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Ms. Nimisha a/w Jiten Dhanak i/b Shantanu Patil, for the Petitioner.

Mr. Nirav Shroff, for Respondent No.1.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 20 FEBRUARY 2026

P.C.:

1. Heard Ms. Nimisha, learned Counsel appearing for the Petitioner and Mr. Shroff, learned Counsel appearing for the Respondent No.1.
2. In the present Criminal Writ Petition, the challenge is to the legality and validity of the Order dated 7th January 2026 passed by the learned JMFC, Andheri, Mumbai, below Exhibit-46 in Domestic Violence Application No.210 of 2023, by which show cause notice has been issued to Respondent No.1.
3. In the said Application, the relief sought is that the Respondent be directed to clear and discharge all outstanding EMI arrears in respect of the Smart Home loan of about Rs.70,00,000/- availed from the Hongkong And Shanghai Banking Corporation Limited.

4. Ms. Nimisha, learned Counsel for the Petitioner, states that the learned JMFC, 66th Court, Andheri, Mumbai by Order dated 20th December 2025 passed in Case No.210/DV/2023, has directed payment of Rs.1,00,000/- as interim maintenance. She submits that the said payment has been directed to be made, as Respondent No.1 in his Affidavit of Assets and Liabilities has stated that his monthly expenditure is Rs.7,42,683/- and, therefore, his annual expenditure is Rs.89,12,196/-. She submits that, however, Respondent No.1 has stated that only Rs.6,00,000/- per month is his income. She further points out Column No.42 which is the statement of expenditure, wherein Respondent No.1 has stated that amount of Rs.1,15,000/- per month is being paid as mortgage payments towards housing loan. She states that the contents of the Affidavit are false.

5. On the other hand, Mr. Shroff, learned Counsel for Respondent No.1, states that the Petitioner has also come with a false case.

6. In any case, in the facts and circumstances, as it has been pointed out that Respondent No.1 is working with the Runwal Developers Private Limited and his Appointment Letter dated 11th July 2022 shows that his annual income is Rs.77,00,000/-, the said Runwal Developers Private Limited be made party to the Writ Petition. In the facts and circumstances, the Hongkong And Shanghai Banking Corporation Limited be also made party to the Writ Petition.

7. The Petitioner is also granted leave to amend the Writ Petition by making appropriate reliefs.
8. Amendment be carried out forthwith. Reverification is dispensed with.
9. Issue notice to the added Respondent No.3 - Runwal Developers Private Limited and Respondent No.4 - Hongkong And Shanghai Banking Corporation Limited, returnable on 24th February 2026.
10. Hamdast permitted.
11. In addition to the Court notice, the Petitioner to serve the added Respondent Nos.3 and 4 by private service and shall file affidavit of service before the returnable date.
12. Stand over **24th February 2026 at 03:00 pm.**

[MADHAV J. JAMDAR, J.]