



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2068 OF 2026

Santosh S/o Sopan Rajgire and another

Vs.

Seema Santosh Rajgire and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.B. Dharmadhikari, Advocate for petitioner

CORAM : NANDESH S. DESHPANDE, J.

DATED : 18.03.2026

The present petition challenges the judgment and order dated 30.06.2025, passed by the District Judge - 6 and Additional Sessions Judge, Nagpur, in Criminal Appeal No. 275/2024, and judgment and order dated 25.04.2023, passed by the Judicial Magistrate First Class, Ramtek, below Exhibit 11 in P.W.D.V. Application No. 16/2020, and prays for dismissal of the said application.

2. The facts which can be ascertained from the petition are as under:

The respondent No.1 is the original respondent in Marriage Petition No. 58/2023 filed by the petitioner No.1 herein under Section 9 for Restitution of Conjugal Rights. In the said proceedings, respondent No. 1, i.e., the wife, filed an application under Section 24 claiming interim

maintenance, on which order was passed on 04.11.2023. Thereafter, in the proceedings filed by the husband again for divorce, the marriage was dissolved by the Family Court Bhandara vide judgment dated 03.01.2025.

3. In the backdrop of these facts, the respondent No. 1 herein filed an application under Sections 12, 17, 18, 19, 20, 22 and 26 of the Protection of Women from Domestic Violence Act, bearing proceeding No. 16/2020. In the said proceedings the respondents filed an application under Section 23 for grant of interim maintenance of Rs.10,000/-. The said application came to be allowed on 25.04.2023 by the Magistrate thereby granting an amount Rs.3000/- per month to the respondent No. 1, and 2000/- per month to the respondent No. 2.

4. Being aggrieved by this, the petitioners herein challenged the said order by filing appeal under Section 29 of the Protection of Women from Domestic Violence Act, before the District and Sessions Judge, Bhandara, bearing Criminal Appeal No. 275/2023. In the said appeal an application for dismissal of the appeal was filed by the respondent alleging non-compliance of the interim order passed by the Judicial Magistrate First Class. The said appeal has been dismissed by the District Judge - 6 and Assistant Sessions Judge, Nagpur on 30.06.2025, since the Appellate Court came to a conclusion that there is a non-compliance of the order of interim maintenance. Both these

orders, i.e., the order of the Domestic Violence Court and the order of the District Judge in the criminal appeal are assailed in the present petition.

5. I have heard Shri Dharmadhikari, learned Counsel for the petitioner, and I have gone through the various orders referred to supra. As can be seen from the order of the Appellate Court passed on 30.06.2025, it has categorically held by taking recourse to the material available on record that there is total non compliance of the order and therefore dismissed the appeal as prayed for by the respondents. I see no perversity in the order, since it is based on the factual aspect of the matter.

6. However, looking to the fact that there is already a decree of divorce dissolving the marriage between the parties and more particularly, the Domestic Violence proceedings are of the Year 2020. I hereby direct the Judicial Magistrate First Class, Ramtek, to decide the P.W.D.V. Application No. 16/2020 (Sau. Seema w/f Santosh Rajgire versus Santosh Sopan Rajgire), to decide the same expeditiously and in accordance with law, and in any case, till 31.12.2026.

7. The writ petition is disposed off.

(NANDESH S. DESHPANDE, J.)

Jayashree..