

C. C. NO.7/DV/2022

ORDER BELOW EXH-9

By the present application, the applicant has prayed for directions to the respondents to the effect that they shall not restrain the applicant from using the shared household i.e. N-1603, 'The Tree Tower'-N Pirojsha Nagar, Near Godrej One, E. E. Highway, Vikhroli (East), Mumbai.

2] According to her, the respondents with intention to deprive her from using the said shared household property, locked it. It is also submitted that all the respondents are residing abroad and having their own luxuries properties at various places in U. K.

3] The say of respondents was called. It appears that the present application was not decided due to the fact that the applicant did not contest it with required diligence. It was kept pending. The respondents replied it by reply (Exh-14). They denied all the allegations made in the application. According to them, the relief claimed in the application is not bonafide. Vague allegations are made on the basis of fabricated facts. Hence, the application is prayed to be rejected.

4] It is brought to my notice by Advocate Dr. Manasi Save for applicant that at the time when the said application was filed, the applicant was not suffering from acute financial crisis which at present she is facing. My attention is also drawn to the fact that the applicant has filed complaint in respect of misappropriation of her amount to the extent of Rs.1,60,00,000/-. The said matter appears to be under investigation before Economic Offences Wing, Mumbai.

5] Apparently, the applicant is suffering from acute financial crisis. It is also a matter of record that the applicant has filed various

documents showing the existing nature of the properties which belong to the respondents. Bare perusal of those documents and photographs, it becomes clear that the respondents are enjoying luxuries life. The applicant is also entitled for same status. Even if, by allowing her to reside in the property mentioned above would not equate her standard of living with the respondents, this court can at least upgrade her situation by providing reasonable shelter to her.

6] Yesterday and Today some advocates have filed certain applications to the effect that the respondents are likely going to engage them as their advocates. Today, Advocate Shri. Neerav Joshi filed one application and sought time to advance his arguments in respect of present application as well as other applications. I have specifically made it clear that he is at liberty to consult his client through telephone and that this court is about to pass the interim order permitting and authorizing the applicant to reside in the abovesaid property. He was asked to put his say within half an hour, but he failed to do that.

7] At any rate, in my opinion the abovesaid property is lying vacant. The respondents have put their locks on it which is a kind of economical abuse against the applicant. It is necessary to provide reasonable shelter to her if not luxuries like the respondents, but at least allowing her and permitting her to reside in the abovesaid property for the time being. Under such circumstances, it is necessary to pass the following order:

ORDER

1. The application is allowed.

2. The applicant and her kid are permitted and authorized to reside in the property i.e. N-1603, 'The Tree Tower'-N Pirojsha Nagar, Near Godrej One, E. E. Highway, Vikhroli (East), Mumbai till further orders of this court.
3. She is permitted to break open the lock, if required for the purpose of her entry in the house.
4. The concerned Police Station shall provide necessary protection to her as and when required to carry out the abovesaid order of the court and also to protect her from any act of domestic violence from the respondents in any form whatsoever.
5. It does not mean that the respondents are restrained from residing in the said property. The only condition is they shall not commit any act of domestic violence of any nature against the applicant.
6. The copy of order be given free of cost to both the parties.

Date :- 05/04/2024

Place:-Vikhroli.

Sd/-
(S. M. Kale)
Addl. Chief Metropolitan Magistrate,
31st Court, Vikhroli, Mumbai.