

MHRG170023032024



CRIMINAL REVISION APPLICATION
NO.107/2024

Shiny Panigrahi
Vs.
Abinash Mohapatra

CNR NO.MHRG170023032024

ORDER BELOW EXH.27

1. By this application, the respondent has prayed to tag present proceeding with Criminal Revision No.02/2026.
2. Learned advocate for the respondent Mr. Arnold Thomas has submitted that the respondent has filed revision challenging the order which is impugned in this petition and therefore according to him in order to avoid conflicting decisions, both the petitions are required to be decided at one and the same time and therefore he has prayed to tag the present petition with Criminal Revision Application No.02/2026 which is posted before this Court on 09/03/2026. He has relied upon the judgment of Hon'ble Supreme Court in the case of **State of M.P. Vs. Mishrilal, (2003) ACC 425.**
3. Learned advocate Mr. Jay Kumthekar for petitioner has submitted that in view of the judgment of Hon'ble Delhi High Court in the case of **Rajeev Preenja Vs. Sarika, 2009**

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.

Legal Eagle (DEL) 332 dated 26/02/2009 the petition filed by the husband challenging the order of granting maintenance cannot be held to be maintainable, till the entire amount of interim maintenance is deposited in the Court.

4. According to Mr. Kumthekar, this Court has already ordered to strike out defence of the respondent and therefore he would submit that respondent cannot be allowed to take disadvantage of the petition filed by him. Thus, it is prayed for rejection of the application.
5. So far as the judgment in the case of **Mishrilal (cited supra)** is concerned, no doubt it relates to the police case and private case and that the provision incorporated under Section 210 of the Cr.P.C. has been considered by the Hon'ble Supreme Court. However, the fact remains that the order which is under challenge in both the petitions is one and same and therefore if these petitions are decided separately in that case the chances of passing conflicting orders cannot be ruled out and therefore it is necessary to decide both the petitions by a common order.
6. So far as the judgment relied upon by the learned advocate for the applicant is concerned, no doubt the judgment is held the applicant in the petition filed by the

respondent, but that cannot be taken into consideration while deciding these petitions.

7. In the light of this I am of the view that both petitions are required to be decided jointly. Hence, I proceed to pass following order.

ORDER

1. Application Exh.27 is allowed.
2. The present petition is ordered to be decided with Criminal Revision Application No.02/2026.
3. The matter is posted on 09/03/2026.
4. The respondent is directed to serve the copy of the petition in Criminal Revision Application No.02/2026 along with documents relied upon by him to the applicant, today only.

**Panvel,
Dated :- 07/03/2026**

**(Dinesh E. Kothalikar)
Addl. Sessions Judge, Court No.2,
Panvel-Raigad.**

Dinesh E. Kothalikar,
District Judge-2 and ASJ,
Panvel-Raigad.