

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.17522 OF 2023

Manish Chandra Behari Kapoor

...Petitioner

Versus

Sona Manish Kapoor & Anr.

...Respondents

Adv. Abhijit Sarwate a/w Adv. Hardik Kaur Aidhen & Adv. Srushti
Chavan for the Petitioner.

Mr. Naveen Sharma for the Respondents.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 12, 2024

P. C. :

1. Heard.

2. By this Petition, the only relief sought by the Petitioner husband is to expedite the hearing of Cri. M. A. No. 5143 of 2014 which is pending on the file of the learned Judicial Magistrate, First Class, Court Room No. 9, Pune.

3. Learned counsel for the Petitioner has tendered the list of Applications filed by the Respondent wife till date in the D.V. proceedings which are 36 in number. He submits that, as far as the Application for interim relief is concerned for grant of maintenance, the Family Court has

granted maintenance of Rs. 50,000/- in the year 2019. He further submits that the examination-in-chief of the Respondent wife has been filed on 13th October, 2014 and thereafter when the matter was listed for the cross-examination, there was an attempt for mediation which did not fructify and the matter was remanded by this Court to be decided afresh on 11th March, 2016. He submits that since that time, the matter has been pending and numerous applications have been filed by the Respondent wife.

4. Per contra, learned counsel for the Respondent-wife submits that the Application filed for interim relief under Section 23 of the D. V. Act, in the year 2014 is still pending for adjudication. He submits that no maintenance is being paid and there are arrears as far as the maintenance granted by the Family Court is concerned.

5. The statement which has been produced by the Petitioner husband would indicate that the Application of the wife for interim relief has been filed on 9th June, 2014 and thereafter various Applications have been filed by the wife seeking to agitate her rights as regards the payment of educational expenses of the children and for necessary direction to ascertain the income of the Petitioner husband. As these Applications are pending, it cannot be said that the learned JMFC is at fault for the delay in adjudication of the Cri. M.A. which is pending since 2014. It will

therefore be necessary to streamline the time frame within which the Applications are required to be decided as under:

Sr. No.	Application as per list submitted by the Advocate for the Petitioner	Time frame
1.	Interim Maintenance Application at Serial No. 1 and 36.	Within a period of four weeks from the date of production of this order before the Trial Court.
2.	Application at Serial No. 4, 8, 10, 13, 15, 19 and 33 to be taken up together and decided	Within a period of three weeks after the Application at Serial No. 1 is decided.
3.	Application at Serial No. 24 and 35 to be taken up together and decided	Within a period of three weeks after the Application at Serial No. 2 is decided.
4.	Application at Serial No. 18, 23, 25, 27, 28, 30 and 31 taken up together and decided	Within a period of three weeks after the Application at Serial No. 3 is decided.

6. As regards the contention of arrears of maintenance, it is open for the Respondent wife to adopt appropriate proceedings for execution of the orders which have not been complied with. It appears that based on non compliance, Application has been made by the wife for striking of the defence and as such, the grievance of the Respondent will be addressed after adjudication of the said Application.

7. Considering that the Cri. M.A. No. 5143 of 2014 is pending since the year 2014 although the time frame has been fixed for various applications, learned JMFC is requested to decide the Cri. M.A. 5143 of 2014 expeditiously and in any event within a period of one year from date of uploading of the present order
8. It need not be noted that there is an action plan framed by the Apex Court which is to take effect from January, 2024 and necessary adherence to the same is expected.
9. Petition stand allowed in the above terms.

(SHARMILA U. DESHMUKH, J.)