

ITEM NO.12

COURT NO.8

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 9147/2017

(Arising out of impugned final judgment and order dated 10.7.2017 and 10-10-2017 in CRL.REVISION APPLN. (FOR MAINTENANCE) No. 603/2016 passed by the High Court Of Gujarat At Ahmedabad)

SUNIL VADIBHAI KAPASI

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR.

Respondent(s)

(IA 120702/2017 - Exemp.from filing C/c of the impugned judgment, IA. 120708/2017 - Exemption from filing O.T.)

Date : 05-02-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Pradhuman Gohil,Adv.
Ms. Taruna Singh Gohil,Adv.
Mr. Himanshu Choubey,Adv.
Ms. Tanvi Bhatnagar,Adv.
Mrs. Taruna Singh Gohil, AOR

For Respondent(s) Mr. Ranbir Singh Yadav, AOR
(R-2) Mr. Puran Mal Saini,Adv.
Ms. Anzu K. Varkey,Adv.

(R-1) Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi,Adv.
Ms. Vishakha,Adv.
Ms. Parul Luthra,Adv.

UPON hearing the counsel the Court made the following
O R D E R

This special leave petition is directed against Orders dated 10th July, 2017 and 10th October, 2017 passed by the High Court of Gujarat at Ahmedabad in Criminal Revision Application (For Maintenance) No.603 of 2016. The aforesaid revision was filed by the petitioner-husband challenging the validity and legality of

Order dated 13th June, 2016 under Section 125 of the Cr.P.C. by the Family Court No.3, Ahmedabad by which the Family Court directed the petitioner-husband to pay maintenance to respondent no.2-wife which came out to be approximately Rs.21,00,000/- (Rupees Twenty One Lakhs).

By way of interim orders dated 10th July, 2017 and 10th October, 2017, the High Court directed the petitioner-husband to pay certain amount towards arrears to respondent no.3-wife.

When the matter came up for hearing on 17th November, 2017, this Court while issuing notice to the respondents, directed the petitioner-husband to continue to pay maintenance at the rate of Rs.15,000/- per month on or before 10th day of every month.

We have heard Mr. Pradhuman Gohil, learned counsel appearing for the petitioner-husband, and Mr. Ranbir Singh Yadav, learned counsel appearing for respondent no.2-Wife.

Mr. Pradhuman Gohil, learned counsel appearing for the petitioner-husband, has stated at the Bar that pursuant to Order of this Court dated 17th November, 2017, maintenance at the rate of Rs.15,000/- per month is being paid to respondent no.2-wife.

As much as Orders dated 10th July, 2017 and 10th October, 2017 passed by the High Court are interim orders and as such we are not inclined to interfere with the impugned orders at this stage.

Without going into the validity of the impugned orders, we deem it appropriate to request the High Court to dispose of Criminal Revision Application (For Maintenance) No.603 of 2016 itself as expeditiously as possible preferably within three months from the date of receipt of this Order.

Further, we direct the petitioner to continue to pay Rs.15,000/- per month on or before 10th day of every month as ordered by this Court on 17th November, 2017 till the pending revision is finally decided by the High Court.

We make it clear that we have not gone into the merits of the case and it is open for the High Court to decide the revision uninfluenced by any observation made by this Court. It is also made clear that it is open for the High Court to ascertain the exact amount of arrears/maintenance which are already paid/being paid by the petitioner-husband to respondent no.2-wife.

Subject to above, the special leave petition is disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER