

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**STAMP NUMBER (APPLN.) NO. 1221 OF 2020**  
**IN**  
**CRIMINAL WRIT PETITION NO. 150 OF 2018**

TRUPTI NITISH VERLEKAR

... Applicant

Versus

NITISH NAMDEV VERLEKAR

... Respondent

Shri Shailesh Redkar, Advocate for the Applicant.

Shri Sudin M.S. Usgaonkar, Senior Advocate with Ms Vinita V. Palyekar, Advocate for the Respondent.

**Coram:- DAMA SESHADRI NAIDU, J.**

**Date:- 14<sup>th</sup> October 2020**

**P.C.:**

In a dispute involving maintenance to the wife under section 125 Cr PC., this Court passed an interim order, scaling down the monthly maintenance. That order was, as the very nomenclature reveals, is interim and is not merits. The Court ordered the applicant to pay the arrears, too, in instalments. The applicant has adhered to that direction.

2. That interim direction operating, this Court desired to dispose of the writ petition on the merits, finally. But it knew the final disposal would take time. Meanwhile, the Court did not want the proceedings before the trial Court held up. For the pending adjudication before this Court concerned only an interim order. So this Court clarified that the trial Court might as well proceed with the main matter.

3. Now, the petitioner's counsel contends that there is nothing further before this Court to be adjudicated. The interim order is as good as the final one. So he wants this Court to close the writ petition and allow the parties to proceed with the main matter before the trial Court.

4. The respondent's counsel objects. According to him, this Court has also left open for the parties to mention the matter before this Court if the proceedings before the trial Court would not conclude early. In this context, he submits that given the pandemic, the trial in the matter stands stalled. So he wants the case taken up for adjudication on the merits.

5. Then the Court has suggested an alternative. First, it has assured the respective parties that the arrangement the Court proposes is without prejudice to the parties' rival claims and contentions before the trial Court. Second, this Court wishes to place on record that the Court's interim order was not on the merits; it is only a reasonable arrangement pending further adjudication. Third, instead of the parties slugging out on an interim direction, they may focus on the main matter pending before the trial Court. Fourth, until the trial Court concludes the case, the petitioner shall continue to pay the interim maintenance as this Court directed. Fifth, if the trial Court finally, on the merits, fixes the maintenance under section 124 of CrPC., the interim maintenance now the petitioner paying shall be subject to the final quantification by the trial Court. And, sixth, the arrears of the maintenance could be reckoned based on the final judgment by the trial Court and, thus, could be made part of the final order.

6. Now, the learned counsel for the respondent seeks time to take instructions on what has this Court suggested.

7. Post the matter on 29.10.2020.

In the meanwhile, the Registry will also secure information from the trial Court as to how much more time it requires to dispose of the matter because of the pandemic and docket pressure the trial Court may have been facing.

**DAMA SESHADRI NAIDU, J.**

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