

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.632 OF 2023

Swati Sachin Potdar ... Petitioner
V/s.
Sachin Sunil Potdar & Ors. ... Respondents

Mr. Ameya Mahadik with Ms. Sunita Khamkar for the petitioner.

Mr. Ravindra Pal i/by R.V. Sankpal & Associates for the respondent No.1.

Mr. Arfan Sait, APP for the respondent No.3/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 31, 2023

P.C.:

1. The principal relief sought in the petition is to the legality and validity of that part of order dated 17th January 2023, passed by the learned Judge Family Court No.7, Mumbai in Criminal

Miscellaneous Application No.20 of 2023 granting maintenance to the petitioner from the date of order instead of date of application.

2. Heard learned advocate for the parties.

3. In view of judgment of the Apex Court in the case of **Rajnesh Vs. Neha**, reported in (2021) 2 SCC 324, the application for maintenance was required to be allowed from the date of application.

4. In that view of the matter, impugned order dated 17th January 2023 passed by the Judge Family Court No.7, Mumbai in Criminal Miscellaneous Application No.20 of 2021 is modified to the extent of substituting the words “from the date of this order” by the words “from the date of application”.
5. Order dated 17th January 2023 stands modified accordingly.
6. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)