

VERDICTUM.IN

ITEM NO.45

COURT NO.6

SECTION II-A

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5587/2024

(Arising out of impugned judgment and order dated 22-03-2024 in CRLRA No. 234/2023 passed by the High Court of Judicature at Bombay)

KAUSHAL ARVIND THAKKER

Petitioner(s)

VERSUS

JYOTI KAUSHAL THAKKER & ANR.

Respondent(s)

(IA No.95044/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 26-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Ms. Madhavi Divan, Sr. Adv.
Mr. Vikram Deshmukh, Adv.
Mr. Shubham Kulshreshtha, Adv.
Mr. Satya Rath, Adv.
Ms. Manju Jetley, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Ms. Madhavi Divan, learned senior counsel appearing for the petitioner, who is aggrieved by the order dated 06.01.2023 passed by the Learned Metropolitan Magistrate, 61st Court, Kurla, Mumbai in the C.C. No. 172/DV/2017 (Annexure P/1), under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, the "DV Act").

2. The above order which has since been upheld by the First Appellate Court and also by the High Court was passed on the basis of an application filed by the respondent No. 1 seeking relief from

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the petitioner, under the provisions of the DV Act.

3. The focus of the challenge by the petitioner is the quantum of compensation (Rs.3 crores) quantified under Section 22 of the DV Act. The senior counsel submits that the compensation should be relatable to the damages, injuries including mental torture and emotional distress caused by the act of the spouse and the same cannot relate to the standard of living of the parties. It is specifically argued by Ms. Divan that only for the monetary relief towards maintenance etc. under Section 20 of the DV Act, the standard of living criteria can perhaps be made applicable. It is however seen that the payable compensation is quantified at Rs.3 crores based on the petitioner's annual income, who is an U.S. Citizen, for the year 2008-2009.

4. The fundamental question raised by Ms. Divan is whether the compensation awarded should co-relate to the degree of domestic violence suffered by the victim or is it to be linked to the financial status of the guilty party.

5. Issue notice, returnable in six weeks.

6. Subject to deposit of 50% (minus what has already been paid) of the quantified compensation i.e., Rs.3 crores in this Court within two weeks from today and continuance of the other payments towards monthly maintenance and residence, there shall be stay of execution proceedings.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR