

# Fervour over Allahabad HC verdict on divorced Muslim women's rights is misplaced



On April 18, the Lucknow Bench of the Allahabad High Court rightly overruled an appellate court's decision on the maintenance right of a divorced Muslim woman. The case was a routine one but, strangely, it is being blown out of proportion and enthusiastically commented

upon in a section of the media as if it were a novel judicial ruling. To the well-known legal maxim 'ignorance of the law is no excuse', the late Justice VR Krishna Yadav had once jokingly suffixed the words "except for the lower courts" — since their decisions in disputed cases often go

against the relevant law and are overruled by higher courts. The truth of what Justice Iyer had said in a lighter vein is particularly evident in cases under Muslim law. Remarkably, even high court decisions in such cases sometimes show half-baked knowledge, if not total

ignorance, of the settled law and the apex court of the country has to set them aside in the final appeal. In the case under comment, a divorced Muslim woman of Uttar Pradesh's Pratapgarh district had approached a lower court seeking a maintenance order against her husband under the provisions of the Criminal Procedure Code of 1973 (CrPc). The trial court rightly ruled in her favour. But this decision was appealed against before an additional sessions judge who superseeded it, holding that the CrPc law was not more applicable to her and the case should have been decided only under, and in accordance with, the provisions of the Muslim Women (Protection of Rights on Divorce) Act, 1986. This decision was then appealed against before the Lucknow Bench of the state high court. Deciding the appeal, Justice K S Pawar observed that "in view of the judgment of Bano vs Imran Khan

rendered by the Supreme Court in 2009 I have no hesitation in holding that the view taken by the revisional court is contrary to the law laid down by the Supreme Court. The revisionist wife, being a divorced Muslim woman, was entitled to claim maintenance under Section 125 CrPc."

Justice Pawar was referring to the Shabana Bano v Imran Khan case. Details of the case can be found in the law reports of 2010. This was neither the first nor the last apex court decision affirming the continued application of the CrPc law on providing maintenance to divorced Muslim women, irrespective of the Muslim Women Act of 1986. In fact, the main issue in this case was the jurisdiction of family courts to entertain and decide cases under the said Act which mentions a magistrate's court as the forum for its purposes. Justice Dipak Misra said in his judgment that "the basic and foremost question that arises

for consideration is whether a Muslim divorced wife would be entitled to receive the amount of maintenance from her divorced husband under Section 125 of the CrPc and, if yes, then through which forum." Before this appeal was decided, the law on the maintenance liability of Muslim men towards their divorced wives had been already settled by the apex court in several verdicts. Hence in Shabana Bano, Justice Misra just said that "a cumulative reading of the relevant portions of judgments of the court in Danial Latifi (2001) and Iqbal Bano (2007) makes it crystal clear that a divorced Muslim woman would be entitled to claim maintenance from her divorced husband as long as she does not remarry. This being a beneficial piece of legislation, the benefit thereof must accrue to the divorced Muslim women." The last sentence in this observation in Shabana Bano is being ignorantly attributed

in the media to the Lucknow judge, Justice KS Pawar. On the other point mentioned in the preface observation in Shabana Bano, Justice Misra had held that "a bare perusal of Section 20 of the Family Courts Act makes it crystal clear that the provisions of this Act shall have an overriding effect on all other enactments in force dealing with this issue" — and he was absolutely right. All family law statutes originally mentioned district courts as the forum for entertaining and deciding the cases arising under their provisions. By

virtue of the Family Courts Act 1984, their jurisdiction automatically got transferred to family courts. In the Lucknow case we are discussing here, a lower-level appellate court's incorrect decision had been appealed against in 2008. It was disposed of by the high court a good 14 years later. The case thus also bears testimony to the saying, "justice delayed is justice denied", which remains the order of the day in judicial settlement of family disputes. The fervour over the case in media reports is misplaced.

## Three killed, over 90 injured in separate road accidents across Gujarat

Ahmedabad : Three people were killed and over 90 were injured in four separate accidents in Sabarkantha, Mehsana, Patan, and Narmada on Thursday. In the first incident, three persons, including a child, died in a road accident in Idar of Sabarkantha when two motorcycles collided with each other on Thursday and Friday. According to police, the accident occurred on the Valsana-Idar road when a motorcycle carrying a five-year old child and another adult male collided with a motorcycle carrying another male passenger. All three were killed in the accident.

"The deceased child is aged around 5 years while one of the male victims is aged between 20-25 years and the

other is aged around 40 years. We are yet to identify the bodies and as of now, an accidental death report has been filed in Himmatnagar Rural PS.

In the second incident, as many as 22 persons were injured after a private luxury bus ferrying a "marriage party" hit a divider and overturned on the Ahmedabad-Mehsana highway on Thursday morning. "Two luxury buses carrying the groom's family members had left from Deesa in Banaskantha around 4 am for Ahmedabad. Around 7 am, the bus driver lost control and hit the divider near Bhasariya village due to which the vehicle overturned. As many as 22 persons were injured including the groom's father, mother and sister," read a police complaint filed at Langhaji police station of Mehsana against an unknown bus driver for rash driving.

## DHFL-Yes Bank case: Court seeks CBI reply to Bhosale lawyer objections



Ahmedabad : A DAY after his arrest in connection with the DHFL-Yes Bank case, ABIL group chairman and Pune-based builder Avinash Bhosale was produced in special CBI court by the Central Bureau of Investigation (CBI) for his 10-day custody. However, as the defense counsel listed a series of illegalities in Bhosale's arrest, special judge D P Shingde did not pass any judgment on the remand and decided to allot time to the agency to file a written reply to those objections on Monday instead. It further directed CBI to keep him in their guest house at Bandra Kurla

complex till then. The court has also instructed the agency to produce him on Monday when the decision on his remand application will be pronounced. In its remand application to the court, the CBI mentioned that investigation revealed that Bhosale's companies received Rs 68.82 crores from DHFL in 2018 for consultancy services provided for projects Avenue 54, One Mahalaxmi (both to be developed by Sanjay Chhabaria) and SRA Worli itself (to be developed by Sudhakar Shetty of Sahana group). However, the entire payment was obtained by Bhosale's companies without performance of any work/service, read the remand application submitted on Friday. "It is relevant to mention here that the said amount has been diverted by DHFL against high

processing fee charged from the said borrowers and are therefore diversions from the loans," said the agency. Seeking Bhosale's custody, the CBI told the court that they want to ascertain the end use of the diverted public funds. Calling the CBI investigation illegal, defense counsel Vijay Agarwal argued that the chargesheet has been filed, charges have been framed, and trial has begun in the matter, therefore, further investigation in the matter is itself illegal. "The CBI has filed a supplementary chargesheet against the accused in the present matter, majority of the accused persons were not arrested by the CBI and the chargesheet was filed without arrest. However, the applicant/accused has been arrested without any basis, read an application submitted before court by Bhosale's lawyer.

## 3 held with 6 illegal weapons, over 500 rounds of ammunition



Ahmedabad : The Ahmedabad City Police's Detection of Crime Branch (DCB) arrested three persons and recovered six illegal handguns and over 500 rounds of ammunition from an area in Ahmedabad Thursday. According to police, the accused identified as Mohammad Sajid Shaikh (34) alias Lal's residence in Juhapura was raided based on an input, and arms were recovered. When Sajid was questioned by the police he confessed to selling two guns to Mohammad Mehboob Shaikh (44) of Juhapura and Mohammad Idris alias Idu (36) from Sarkhej. "We had received input that an accused named Sajid Shaikh was earlier arrested in a murder case and several

Arms Act cases, had stored weapons at his residence in Moen park of Juhapura. A raid was then conducted and we recovered four weapons and around 500 rounds of ammunition," said a senior official of Ahmedabad DCB. "The accused was interrogated and he told us that he had procured several weapons from unknown persons in Bhopal of Madhya Pradesh four months ago. He had sold two guns to other two accused Mehboob Shaikh and Idris and the remaining to a few of his friends in Rajkot and Botad. We arrested Idris and Mehboob and recovered guns from them as well. All three accused have been arrested under arms act," the official added.

**HDFC Housing Development Finance Corporation Ltd. POSSESSION NOTICE**

Branch Address: HDFC House, Trident, Race Course, Vadodra-390007  
Phone: 0265-238400, 2384298, 2320240 Fax: 0265-233271

Whereas the Authorized Officers of Housing Development Finance Corporation Limited, under Securitisation And Reconstruction And Financial Assesment Enforcement of Security Interest Act, 2002 and in exercise of powers conferred under Section 13 (1) of the said Act with the following borrower(s) / Legal Heir(s) and Legal Representative(s) to pay the amounts mentioned against their respective names together with interest thereon at the applicable rates as mentioned in these notices, within 60 days from the date of this Notice, incidental expenses, costs, charges etc. till the date of payment and / or realisation.

Sr. No.	Name of Borrower(s)/ Legal Heir(s) / Legal Representative(s)	Outstanding Dues Rs. As on Dt. *	Date of Demand Notice	Date of Possession Physical/ Symbolic	Description of Immovable Property(ies) / Secured Asset(s)
1	(a) MR. VIKASH N. CHAUDHARI (BORROWER) (b) MRS. DIANA NICHOLAS DSOUZA (CO-BORROWER) 99473-634074296 & 632144289	(c) Rs. 1,06,990/- and Rs. 31,250/- respectively as on 31-AUG-2020*	(d) 05-OCT-2020	(e) 24-May 2022 Symbolic Possession	(f) A-401, 4TH FLOOR, LORD'S APPARTMENT, CS - 154/1 PART VICTORY COMPOUND, NR. E.M.E. TEMPLE, FATEHGUNJ, VADODARA-390002.
2	MRS. RANEE RAJINDER BEDI (BORROWER) MR. RAJINDER SHYAMSUNDER BEDI (CO-BORROWER) MS. RAJINDER SHYAMSUNDER BEDI (HUF) (CO-BORROWER)	Rs. 5,35,939/- and Rs. 13,46,753/- respectively as on 31-JULY-2020*	08-SEP-2020	24-May 2022 Symbolic Possession	FLOOR-2 <sup>nd</sup> FLAT-203, SHREE HARI COMPLEX S. NO. 57/1, SAVAJIURA, OPP. TOWN HALL, AJWA ROAD, BH. KANHA CITY, VADODARA-390019.
3	MR. KALPESHKUMAR R. CHAUHAN (BORROWER) MRS. SNEHA KALPESHKUMAR CHAUHAN (CO-BORROWER) 99961-631495159, 631495173, 633564530 & 634399539	Rs. 10,45,509/-, Rs. 16,192/-, Rs. 31,054/- and Rs. 44,021/- respectively as on 31-JULY-2020*	08-SEP-2020	24-May 2022 Symbolic Possession	FLOOR-4 <sup>th</sup> FLAT-A-402, SHREE SIDHESHVAR HARMONY TOWER-A, NO. 97, FF 16, BH. SAVAJI TOWNSHIP, NR. SAVAJI TOWNSHIP, TD. NEW VIP RD., NEW KARELBAUG, VADODARA-390022.
4	MR. AFJALHUSEN MEMAN (BORROWER) MRS. RAJIVBEN MEMAN (CO-BORROWER) 114175-646062423 & 64534654	Rs. 1,62,172/- and Rs. 22,66,883/- respectively as on 30-NOV-2021*	05-JAN-2022	28-May 2022 Symbolic Possession	FLAT-601, SIXTH FLOOR, AS-SAFATOWER-A, S. NO. 205, FF-36 PAKI, TP- 27, CS-102, JUST OPPAEMENA HEIGHTS NEXT TO ASWAD BUNGLOWS, NEW TANDALJA, VADODARA-390012.

\*With further interest as applicable, incidental expenses, costs, charges etc incurred till the date of payment and / or realisation.

However, since the borrower(s) / Legal Heir(s) and Legal Representative(s) mentioned herein above have failed to repay the amounts due, notice is hereby given to the borrower(s) / Legal Heir(s) and Legal Representative(s) mentioned herein above in particular and to the public in general that the Authorized Officers of HDFC have taken possession of the immovable property (ies) / secured asset(s) described herein above in exercise of powers conferred on them under Section 13 (4) of the said Act and read with Rule 8 of the said Rules on the dates mentioned above.

The borrower(s) / Legal Heir(s) and Legal Representative(s) mentioned herein above in particular and the public in general are hereby cautioned not to deal with the aforesaid Immovable Property(ies) / Secured Asset(s) and any dealings with the said Immovable Property (ies) / Secured Asset(s) will be subject to the charge of Housing Development Finance Corporation Ltd.

Borrower(s) / Legal Heir(s) and Legal Representative(s) are invited to the provisions of sub-section (6) of section 13 of the Act, in respect of time available to redeem the secured assets.

Copies of the Panchnama drawn and Inventory made are available with the undersigned, and the said Borrower(s) / Legal Heir(s) / Legal Representative(s) is/are requested to collect the respective copy from the undersigned on any working day during normal office hours.

For, Housing Development Finance Corporation Ltd. Sd/- PLACE : VADODARA  
DATE : 28-05-2022  
Authorised Officer  
Regd. Office: Ramon House, H T Parekh Marg, 169, Backbay Reclamation, Churchgate, Mumbai-400020.  
Corporate Identity Number: CIN : L71910MH1977PLC0191916. E-mail : customer.service@hdfc.com. Website : www.hdfc.com

## Gujarat to get services commissionerate

GANDHINAGAR: To boost the state's economy by strengthening the services sector, the Gujarat government has finalized plans to set up a new services sector commissionerate like the existing industries and MSME commissionerates. The services sector is the largest and fastest growing sector in the country, with the highest labour productivity. However, the sector has not produced the number or quality of jobs needed. Also, there is no policy leading to inclusive growth even as multiple and uncoordinated governing bodies adversely affect the growth of this sector. To tackle all these issues, the government deemed it necessary to set up a services sector commissionerate soon. Under this, a commissioner will be appointed to oversee this sector. The government plans to announce a new policy for the sector, offering financial and other benefits at par with those being offered to MSMEs and other industries. The aim is to make this sector more profitable and increase employment opportunities.

## 'Unhappy over Ashram revamp': FIR after advocate 'assaulted' by Gandhi Ashram residents

Ahmedabad : Police have registered an FIR after an advocate, who is a resident of Sabarmati Ashram in Ahmedabad was allegedly assaulted by his neighbors who claimed that their pleas were not heard by the state government regarding the Gandhi Ashram Re-development Project. According to police, Shailesh Rathod (45), an advocate practising at the city sessions court in the Bhadra area of Ahmedabad, is also a member



in the committee for Gandhi Ashram Re-development Project. Rathod has claimed that Thursday late night, a mob of 10-12 persons, who are his residents of Gandhi Ashram, assaulted him outside his house. "On Wednesday night, a Gandhi Ashram resident Jignesh Parmar approached me and said that he was unhappy over the ongoing Gandhi Ashram Re-development Project. He asked me to intervene with government officials to make them understand his pleas. He further claimed that injustice was being meted out to him. He then threatened me saying that he will see me," said Rathod in his complaint to the Police station.

Rathod added that on Thursday night around 11 pm, he arrived at his residence from Kheda. "As soon as I arrived at my residence, I was pulled out of my car and assaulted by a group of persons. I then somehow called police control room and sought help," added Rathod. Taking cognizance, police have booked Alkesh Parmar, Shardashank Parmar, Jitendra Jaday, Vashmika Parmar, Divyansh Jaday, Bhanubhan Parmar, Yagnesh Parmar and four unidentified persons under 323 for assault, 294B for obscenity, 120 B for criminal conspiracy, 506 for criminal intimidation and sections of the rioting in the Indian Penal Code.

## Four caught circulating fake notes

Rajkot: Four persons were arrested for circulating fake currency notes in Surendranagar town on Friday. Based on specific information, police first arrested Shyam Zaia and Dharmesh Makawana, who were trying to pass off the notes near Bahuchar Hotel in the town. Six notes of Rs 200 denomination were found from them along with some cash. The duo revealed to the cops that they got the notes from a person named Piyush Shah, who runs an electronic device repairing shop. On raiding his shop, police found three more notes of Rs 200 from him. Shah in turn revealed that he was given the notes by Pradip alias Tina Maharaj Dudhreja, a priest in a local temple.

**Hawa Engineers Ltd.**  
An ISO 9001:2008 Certified Company

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II Phone : 079-25320781, 25320782 II CIN : L29120GJ1993PLC019199 II

**STATEMENT OF STANDALONE AUDITED FINANCIAL RESULTS FOR THE QUARTER/YEAR ENDED 31-03-2022** (Rs. In Lakhs)

Sr. No.	Particulars	Quarter ended		Year to date	
		31-03-2022	31-03-2022	31-03-2022	31-03-2022
		Audited	Audited	Audited	Audited
1	Total income from operations (net)	2265.06	7123.09	1561.75	6071
2	Net Profit/(Loss) for the period (Before Tax, Exceptional and/or Extraordinary Items)	40.68	136.29	60.71	60.71
3	Net Profit/(Loss) for the period After Tax (after Exceptional and/or Extraordinary Items)	40.68	136.29	60.71	60.71
4	Net Profit/(Loss) for the period after Tax (after Exceptional and/or Extraordinary Items)	36.62	110.35	49.70	49.70
5	Total Comprehensive Income for the Period (Comprising Profit/(Loss) for the period (after tax) and Other Comprehensive Income (after tax))	36.62	110.35	49.70	49.70
6	Equity Share Capital	352.64	352.64	352.64	352.64
7	Reserves (excluding Revaluation Reserve)	0.00	120.08	0.00	0.00
8	Earnings Per Share (of ₹ 10/- each) (not annualised) Basic & Diluted	1.94	3.13	1.41	1.41

Note: 1. The above results have been reviewed by the audit committee of the Company and taken on record by the Board of Directors of the Company in its meeting held on 28/05/2022 and same are also reviewed by the statutory auditors of the Company.  
2. The above is an extract of the detailed format of Quarterly/Yearly Financial Results filed with the Stock Exchange under Regulation 33 of the SEBI (Listing and Other Disclosure Requirements) Regulations, 2015. The full format of the Quarterly/Yearly Financial Results are available on the Stock Exchange website (www.bseindia.com) and on the company website (www.hawaengrtd.com)

For, **Hawa Engineers Ltd.** Sd/-  
Aslam F. Kadgi  
Managing Director  
DIN:00060879

Place : Ahmedabad  
Date : 28th May, 2022