

ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 972 OF 2015

Mr.Mithun Kishore Patadia

.. Petitioner

Vs.

Mrs.Sheetal Mithun Patadia

.. Respondent

Mr.Rohan Cama i/b Ms.Sapana Rachure, Advocate for the Petitioner.
Mr.Omkar Warange, Advocate for Respondent.

CORAM : R.G.KETKAR, J.

DATE : 17th February, 2015

P.C. :

. Heard Mr.Rohan Cama, learned Counsel for the petitioner and Mr.Omkar Warange, learned Counsel for the respondent. Rule. Mr.Warange waives service. At the request and by consent of the parties, rule is made returnable forthwith and the petition is taken up for final hearing.

2. By this petition under Articles 226 & 227 of the Constitution of India, the petitioner-husband has challenged the judgment and order dated 15/01/2015 passed by the learned Judge, 4th Family Court, Mumbai below Exhibit 1 in Petition No. C-155 of 2007 & Petition No. B-86 of 2008. By that order, the Family Court declined to hear application Exhibit 48 for amendment of written statement. Mr.Cama has tendered copy of order dated 13/02/2015

passed by Division Bench of this Court (Coram : Smt.V.K.Tahilramani & Smt.I.K.Jain, JJ) in Family Court Appeal No. 242 of 2014 with Family Court Appeal No. 243 of 2014 and Civil Application No. 327 of 2014. In paragraph 4 of that order, the clarification is given to the effect that all the previous applications made by the parties which are pending before the Family Court should be considered and the same should be disposed of in accordance with law.

3. In view thereof, by consent of the parties, the impugned order dated 15/01/2015 is set aside in view of the clarification given in paragraph 4 of the order dated 13/02/2015. The Family Court will decide all the pending applications in accordance with law. The Family Court is requested to decide pending applications expeditiously.

4. Rule is made absolute in the aforesaid terms with no order as to costs.

(R.G.KETKAR, J.)