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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5334 OF 2014

Karina Gopal Gurbani
@Binita Nittin Minawla .. Petitioner

Vs.

Shri Gopal Sitaldas Gurbani .. Respondent

Mr.R.T.Lalwani i/b Mr.Prakash Mahadik, Advocate for the Petitioner.
Mr.Amrut M.Vernekar, Advocate for Respondent.

CORAM : R.G.KETKAR, J.

DATE : 10th February, 2015

P.C. :

. Heard Mr.R.T.Lalwani, learned Counsel for the petitioner and Mr.Amrut M.Vernekar, learned Counsel for the respondent at length. Rule. Mr.Vernekar 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 Article 227 of the Constitution of India, the petitioner-wife has challenged the judgment and order dated 12/04/2012 passed by the learned Judge, Family Court No. 3, Mumbai in Interim Application No. 322 of 2011 Exhibit 12 in Petition No.C-127 of 2010. By that order, the Family Court rejected the application.

3. After arguing the petition for some time, the learned Counsel appearing for the parties state that by consent, the impugned order may be set aside and Interim Application No. 322 of 2011 may be restored to the file of the Family Court, Mumbai for deciding it afresh. They further state that next date of hearing before the Family Court is 17/02/2015 and the parties will proceed to argue Interim Application No. 322 of 2011 and for that purpose, no fresh notice be issued to them.

4. In view thereof, by consent of the parties, the petition is disposed of in the following terms.

i) The impugned order dated 12/04/2012 is quashed and set aside and the Interim Application No. 322 of 2011 is restored to the file of the Family Court, Mumbai for deciding it afresh. All the contentions of the parties on merits are expressly kept open.

ii) The Family Court, Mumbai is requested to decide the application within 2 weeks from the date of the appearance of the parties namely 17/02/2015.

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

(R.G.KETKAR, J.)