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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5518 OF 2014

Mr.Amit Dipak Nachankar

.. Petitioner

Vs.

Mrs.Rakhee Amit Nachankar

.. Respondent

Ms.Shaila M. Joshi, Advocate for the Petitioner.

Mr.Vaibhav P.Patankar, Advocate for Respondent.

CORAM : R.G.KETKAR, J.

DATE : 20th JANUARY, 2015

P.C. :

. Heard Ms.Shaila M. Joshi, learned Counsel for the petitioner and Mr.Vaibhav P.Patankar, learned Counsel for the respondent at length.

2. By this petition under Articles 226 & 227 of the Constitution of India, the petitioner has challenged the judgment and decree dated 11/04/2014 passed by the learned Judge, 6th Family Court, Mumbai in Petition No. A – 1081 of 2012. By that order, the Family Court partly allowed the petition filed by the respondent-wife and annulled the marriage between the petitioner and the respondent by decree of nullity with effect from the date of the decree. The petitioner herein is directed to pay Rs.5,00,000/- to the respondent herein as compensation as per section 22 read with section 26 of the

Protection of Women from Domestic Violence Act, 2005 in six equal installments.

3. Mr.Patankar has raised preliminary objection on the ground that under section 19 of the Family Courts Act, 1984, the petitioner has an equally efficacious alternate remedy by way of appeal, therefore, this petition is not maintainable.

4. Realising this position and after taking instructions from the petitioner's father who is present in the Court, Ms.Joshi seeks permission to withdraw this petition with a liberty to file appeal.

5. In view thereof, on the motion made by Ms.Joshi, petition is allowed to be withdrawn with liberty as prayed.

6. It is made clear that I have not examined merits of the case and all the contentions of the parties on merits are expressly kept open.

(R.G.KETKAR, J.)