

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5286 OF 1997

Shri Hari Dewoo Parkar.] ... Petitioner

Versus

Deepali Hari Parkar.] ... Respondent

None for Petitioner.
None for Respondent.

CORAM :- M. S. SONAK, J.
DATE :- DECEMBER 16, 2015

P. C. :-

1. Neither the parties nor their Advocates are present. However, considering that this petition is of the year 1997, the same is decided on merits.

2. The challenge in this petition is to the order dated 15/09/1997 made by the Family Court, Mumbai, awarding interim maintenance to the respondent and her minor son. Rule was issued on 06/11/1997 and interim relief in terms of prayer clause (b) was granted subject to the condition that the petitioner deposits an amount at the rate of Rs.1,000/- per month from 05/04/1997 till November 1997, within one week. Failure was to result in automatic

vacation of interim order. There is record that such amount was deposited on or about 18/11/1997.

3. Upon perusing the impugned order, there is neither any jurisdictional error nor perversity in the making of the impugned order. The impugned order records that the petitioner had been working in Glaxo and has the requisite payment capacity. The impugned order also records that the respondent and her two minor children are unable to maintain themselves. There is accordingly no case made out to interfere with the impugned order. This petition is therefore liable to be dismissed.

4. The challenge in this petition was only to the interim order dated 15/09/1997. At this point of time, it is reasonable to presume that Petition No.C-132 of 1996, in which the impugned order was made, has itself been disposed of. In any case, the directions are issued for expeditious disposal of Petition No.C-132 of 1996, in case, the same is not already disposed of.

5. The respondent is at liberty to withdraw the amount deposited in this Court. Further, now that this petition is being dismissed and the interim order vacated, the respondent shall be at liberty to execute the impugned order and recover the amount of maintenance due and payable to the respondent in terms of the same.

6. With the aforesaid observations, this petition is dismissed. There shall be no order as to costs.

7. Since neither of the parties are appearing, the Registry is directed to transmit the authenticated copy of this order to the Family Court, Mumbai, taking up Petition No.C-132 of 1996, within a period of 15 days from today.

8. The Family Court, Mumbai, to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)