

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6798 OF 2014

Prakash Ramanlal Limbachiya	...	Petitioner
Vs.		
Jignesha Prakash Limbachiya	...	Respondent

Ms Parul Joshi for Petitioner.
Mr. Anand Shinde i/b. Ms Sneha S. Kadam for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 15 JANUARY 2015

ORDER :

Heard Ms Joshi, learned Counsel for petitioner and Mr. Shinde, learned Counsel for respondent at length.

2. By this Petition, petitioner-husband has challenged the judgment and order dated 27.08.2013 passed by the learned Judge, Court Room No.3, Mumbai in Interim Application No.271 of 2012 (Exhibit-6) in Petition No.A-1668 of 2012. By that order, the Family Court allowed the application filed by the respondent-wife and directed the petitioner to pay interim maintenance of Rs.50,000/- per month to the respondent and Rs.10,000/- per month for the child Vraj under Section 24 of the Hindu Marriage Act, 1955.

3. Ms Joshi submitted that marriage between the parties is dissolved on 18.09.2013 with effect from 19.10.2013 by order passed by the Superior Court of Justice, Ontario. She submitted that aggrieved by that order, respondent preferred appeal before the Court of Appeal for Ontario and the same was dismissed by order dated 22.05.2014. She submitted that all these developments took place after passing of the impugned order on 27.08.2013. She further submits that the petitioner

has paid maintenance towards the child. She would like to place these facts on record by filing Review Petition before the Family Court. She, therefore, seeks permission to withdraw this Petition with a liberty to file Review Petition and / or any other appropriate proceedings before the Family Court.

4. After hearing the learned Counsel appearing for the parties, I am satisfied that after passing of the impugned order, there are subsequent developments, which are required to be brought on record. Hence, the Petition is allowed to be withdrawn with liberty as prayed for. All the contentions of the parties on merits are expressly kept open. It is made clear that the learned trial Judge will decide those proceedings uninfluenced by any observations made in this order. The respondent-wife is permitted to withdraw the amount deposited in the Family Court unconditionally. The Petition is disposed of accordingly. All the parties including the Family Court to act upon the authenticated copy of the order.

(R. G. KETKAR, J.)

Minal Parab