

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.4146 OF 2013

IN

FIRST APPEAL NO.1639 OF 2013

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.V.P.Tripathi for the applicant
Mrs.Sharmila Sameer Jajodia, respondent no.1
present in court

CORAM : K.K.TATED, J.
DATED : 17/06/2015

PC:

1 Heard the learned counsel for the applicant and respondent, Sharmila Sameer Jajodia party in person present in court.

2 This application is preferred by husband for stay of the operation and implementation of the judgment and decree dated 4.5.2013 passed by District Judge-5, Thane in Marriage Petition No.18 of 2013 under section 9 of the Hindu Marriage Act, 1955. First Appeal is already admitted on 14.7.2014.

3 Respondent party in person vehemently opposed the present Civil Application. She filed Affidavit-in-Reply making several allegations against the applicant. She further submitted that during the pendency of the Marriage Petition No.18 of 2013 in Trial Court the applicant

disposed of their flat at Mira Road. These facts were not brought on record by the applicant on record. She further submits that applicant misguided Trial Court by suppressing several facts and filed the present First Appeal to harass her. Hence, the applicant is not entitled for any relief from this court.

4 I have heard both the sides. It is to be noted that in the present proceeding, Appeal filed by the husband being First Appeal No.1639 of 2013 is already admitted by this court. In view of these facts, I am of the opinion that during the pendency of the present First Appeal, operation and implementation of the judgment and decree dated 4.5.2013 in Marriage Petition No.18 of 2013 is required to be stayed. Hence, following order:

(A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That pending the hearing and final disposal of the Appeal, the operation of the Judgment and Decree dated 4th May, 2013 passed by 5th District Court, Thane in Marriage Petition No.18 of 2013 be stayed.”

(B) Civil application stands disposed of accordingly.

(K.K.TATED, J.)