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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4253 OF 2014

Mrs.Kiran Deepak Verma

.. Petitioner

Vs.

1. The State of Maharashtra

2. Mr.Deepak Laxminarayan Verma .. Respondents

Mr.Sachin Dhopatkar a/w Mr.Santosh Vhatkar, Advocate for the Petitioner.

Mr.A.R.Patil, APP for Respondent No.1 – State.

Mr.S.R.Pawar, Advocate for Respondent No.2.

CORAM : R.G.KETKAR, J.

DATE : 11th February, 2015

P.C. :

. Heard Mr.Prakash Dhopatkar, learned Counsel for the petitioner and Mr.A.R.Patil, learned APP for respondent No.1-State and Mr.S.R.Pawar, learned Counsel for respondent No.2. Rule. The learned Counsel for the respective respondents waive 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 Articles 226 & 227 of the Constitution of India, the petitioner-wife has challenged the judgment and order dated 10/09/2014 passed by the learned Judge, Family Court No.4, Mumbai in Interim Application No.117 of 2012, Exhibit 4.

By that order, the Family Court, rejected the application made by the petitioner praying for interim maintenance of Rs.25,000/- per month.

3. Mr.Dhopatkar submitted that while rejecting the application, the Family Court did not record any finding as regards income of the petitioner. The Family Court rejected the application on the ground that since the petitioner is practicing advocate, she has sufficient income to maintain herself.

4. Mr.Pawar, upon taking instructions from respondent No.2 states that respondent No.2 has no objection for setting aside the impugned order.

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

- i) The impugned order dated 10/09/2014 passed by the Family Court, Mumbai is quashed and set aside and the Interim Application No. 117 of 2012, Exhibit 4 is restored to the file of the Family Court, Mumbai.
- ii) The learned Counsel appearing for the parties state that parties will appear before the trial Court on 23/02/2015 and for that purpose, fresh notice need not be issued to them.
- iii) The Family Court is requested to decide the Interim Application No. 117 of 2012 for maintenance within 2 weeks from the date of the appearance of the parties i.e. 23/02/2015.

6. All the contentions of the parties on merits are expressly kept open.
7. Rule is made absolute in the aforesaid terms.

(R.G.KETKAR, J.)