

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 213 OF 2015

Mrs. Sweta w/o. Vinay Tibrewal. ... Petitioner.
Versus
The State of Maharashtra & anr. ... Respondent.

Mr. A.M. Saraogi, advocate for petitioner.

Mr. Ketan Chotani i/b. MLS Vani & Associates, advocate for
respondent No.2.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 22, 2015

P.C.:

1 The Petitioner herein impugned the order dated 19/12/2014 passed by the Judge, Family Court below Exh. 19 in Marriage Petition No. B-69 of 2014 pending before the Family Court seeking permanent injunction against the present respondent from entering the house property.

2 Heard the respective Counsel. Learned Family Court has permitted the present respondent to take away his belongings subject

to certain conditions. The said conditions are objected by way of this petition.

3 The learned Counsel for the respondent submits that learned Family Court was constrained to impose present conditions keeping in mind the past conduct of the parties concerned. However, in the interest of justice and after hearing the respective Counsel, this Court is of the opinion that certain conditions need to be modified/set aside. The conditions imposed vide order dated 19/12/2014 are hereby modified as follows :

(i) The respondent herein would visit the house of the Petitioner on the date assigned by the Commissioner.

(ii) The respondent shall be accompanied by his mother.

(iii) The condition that one male and one female police aid is granted is modified. One lady police constable shall be present at the

time when the respondent desires to take away his belongings. The lady police constable shall be in civil dress. The cost towards police bhatta, transport and carrier shall be borne by the respondent.

(iv) The respondent shall not claim necessary household articles.

(v) Mother or other female relative of the petitioner shall also be present alongwith the petitioner. The Petitioner shall keep bouncer outside the house and he shall not enter into the house.

(vi) The Commissioner shall be present. He shall record the panchanama of the articles being taken away by the respondent.

(vii) The respondent shall not cause any inconvenience to the Petitioner.

(viii) The Petitioner also shall not obstruct the proceedings especially taking away necessary documents and apparels and other assets of

the respondent-husband and mother which would be in the nature of personal belongings.

(ix) The daughter of the petitioner and respondent is permitted to remain present.

4 With these directions the Writ Petition stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)