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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 188 OF 2015

Amit Premsagar Malik .. Petitioner

Vs.

Mrs.Honey @ Naina Raj Mehra .. Respondent

Ms.Seema Sarnaik, Advocate for the Petitioner.

Mr.Saeed Akhtar a/w Mr.Kushnood Akhtar, Mr.Nitesh Thorat & Mr.Rehan Ansari, Advocate for the Respondent.

CORAM : R.G.KETKAR, J.

DATE : 23rd JANUARY, 2015

P.C. :

. Heard Ms.Seema Sarnaik, learned Counsel for the petitioner and Mr.Saeed Akhtar, learned Counsel for the respondent at length.

2. By this petition under Article 227 of the Constitution of India, the petitioner-husband has challenged the judgment and order dated 19/11/2014 passed by the learned Judge, Family Court No.4, Mumbai below Exhibits 19 & 29 in Interim Application No.149 of 2013 in Petition No. A-1446 of 2012. By that order, the Family Court directed the petitioner-husband to pay maintenance of Rs.50,000/- per month to the respondent-wife under section 24 of the Hindur Marriage Act, 1955 from the date of the application i.e. from

03/10/2013.

3. In support of this petition, Ms.Sarnaik invited my attention to paragraph 3 of the impugned order. In paragraph 3, the learned Judge has recorded that during the course of hearing, petitioner admitted that he earns Rs.2,97,000/- per month. Ms.Sarnaik submitted that the learned Judge has wrongly recorded the fact that the petitioner admitted that he earns Rs.2,97,000/- per month. She submitted that at no point of time, either petitioner or his advocate admitted that the petitioner earns Rs.2,97,000/- per month. She invited my attention to grounds IV to VI of the petition.

4. Upon taking instructions from the petitioner who is present in the Court, she states that the petitioner may be permitted to withdraw this writ petition with a liberty to file review petition only on the ground that the petitioner's admission was wrongly recorded in paragraph 3 of the impugned order that he earns Rs.2,97,000/- per month.

5. In view thereof, on the motion made by Ms.Sarnaik, petition is allowed to be withdrawn with liberty as prayed for.

(R.G.KETKAR, J.)