

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

**CIVIL APPLICATION NO.52 OF 2015
IN
FAMILY COURT APPEAL NO.53 OF 2012**

Ramraj S. Shetti .. Applicant

IN THE MATTER OF :

Seema R. Shetti .. Appellant

V/s.

Ramraj S. Shetti .. Respondent

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Ms. Sushma Singh, Advocate for the Applicant husband in CA 52 of 2015 and for Respondent in CA 105 of 2014.

Ms. D. S. Mondkar i/b. Mr. Sachindra B. Shetye, Advocate for the Applicant in CA 105 of 2014 and for Respondent in CA 52 of 2015.

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CORAM : A.S. OKA AND P.D. NAIK, JJ.

DATED : MAY 2, 2016.

P.C.

Heard the learned counsel appearing for the applicant. The applicant is the husband. The first prayer in this application is that the documents annexed to the said application may be considered while dealing with the application made by the wife (C.A. No.105 of 2014) for grant of interim maintenance at

enhanced amount. The second prayer is for modification of the impugned decree dated 27th February, 2012 passed by the Family Court granting maintenance to the daughter at the rate of Rs.40,000/- per month. The prayer for modification of the impugned judgment and decree can be considered only at the time of final hearing of the Family Court Appeal. Therefore, the prayer (b) cannot be considered on merits at this stage as during the pendency of Appeal, final decree which is impugned in the Appeal cannot be modified. Hence, the prayer (b) is rejected. As far as prayer (a) is concerned, at the time of hearing of the Civil Application No.105 of 2014 filed by the wife, the applicant will be permitted to rely upon the statements made in the application as well as the annexures to the application. Subject to what is observed above, the application is disposed of.

(P.D. NAIK, J.)

(A.S. OKA, J.)