

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.115 OF 2015
 IN
 FAMILY COURT APPEAL NO.25 OF 2014

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Mamta Vilas Dalvi	...Applicant
v/s.	
Vilas Yashwant Dalvi	...Respondent

...

Ms.Seema Sarnaik for the Applicant.
 Mr.Deepak Jadhav for the Respondent.

...

CORAM : A.S.OKA &

A.A. SAYED, JJ.

DATED : 21 SEPTEMBER 2016

P.C.:

As far as prayer (b) is concerned, our attention is invited to the prayer made by the present Applicant in Civil Application No.36 of 2014. The prayer (b) of the said Civil Application was for grant of permission to the Applicant to reside in the flat described therein or in the alternative the prayer was for directing the Respondent to pay a sum Rs.25,000/- per month towards rental accommodation. By order dated 30 January 2014 this Court rejected the prayer clause (b) noted above. By order dated 17 July 2014, this Court only granted prayer clause (a) of the Civil Application No.36 of 2014.

2. As far as prayer (b) of the present Application is concerned, there is no pleading that there is a change in the circumstances after 30 January 2014 when a similar prayer was rejected. As far as prayer clause (a) for grant of maintenance at the rate of Rs.1,50,000/- is concerned, the Family Court under the impugned judgment and decree dated 25 September 2013 had directed the Respondent-husband to pay the maintenance of Rs.65,000/- per month. This part of the decree has not been stayed by this Court. Except for setting out the income of the Respondent, no case of change in circumstances is made out.

3. Hence, for the reasons recorded, the prayer clauses (a) and (b) are rejected. As far as the prayer clause (c) is concerned, considering the fact that the Family Court Appeals of the year 2008 onwards are pending for final hearing, priority cannot be given to the Appeals of the years 2012 and 2014. Hence, even prayer clause (c) is rejected.

(A.A. SAYED, J.)

(A.S.OKA, J.)