

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

**CIVIL APPLICATION NO. 132 OF 2013
WITH
FAMILY COURT APPEAL NO. 35 OF 2014**

Shri Sangmeshwar Chidanand Swami ... Applicant
Vs
Sau. Deepali Sangmeshwar Swami ... Respondent
...
Mr. Sudhir Halli for the Applicant (husband).
Mr. Madhav J. Jamdar (wife) for the Respondent.

**CORAM : A. S. OKA & A. A. SAYED, JJ.
DATE : 20 JULY, 2016.**

P.C. :

1. Heard the learned counsel appearing for the applicants/appellants. The prayer in this application is for stay of execution and operation of the impugned decree in the appeal. The operative part of the decree reads thus :-

- “1. Petition filed by petitioner for nullity of marriage is hereby dismissed.*
- 2. Petitioner shall pay Rs. 3000/- per month to respondent towards rent of her accommodation.*
- 3. Petitioner shall pay Rs. 5000/- to respondent towards cost of the proceeding.*
- 4. Decree be drawn up accordingly.”*

2. Clause 1 of the decree cannot be stayed as the petition filed by the Applicant - husband for declaration of nullity of marriage is dismissed. Clause 2 directs the applicants/appellant to pay Rs. 3000/- per month to the Respondent-wife towards rent of her accommodation. As a petition for declaration of nullity of marriage has been dismissed even this part of the decree cannot be stayed, as the Applicant is prima facie liable to provide a residence to the Respondent – wife. Clause 3 directs payments of costs. Therefore no case is made out for grant of stay. Application is rejected.

(A. A. SAYED, J.)

(A. S. OKA, J.)