

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

WRIT PETITION NO. 4647 OF 2010

Mr. Mario Pereira

... Petitioner

Vs

Mrs. Kimberly Pereira

... Respondent

...

None for the petitioner.

CORAM : M. S. SONAK, J.
DATE :20 AUGUST, 2016

P.C. :

1. On 30th August 2010, this Court made the following order.
 1. *Heard learned counsel appearing for the petitioner. None appears for the respondent. Rule. The application at Exhibit 19 was filed on 28th January 2009. According to the petitioner, the child completed 18 years of age in October 2009.*
 2. *Prima facie it appears to me that a reasonable amount will have to be paid by the petitioner towards the interim maintenance to the child till the end of September 2009.*
 3. *Rule. There will be interim relief in terms of prayer clause (c) subject to condition of the petitioner depositing with the trial Court maintenance amount at the rate of Rs.6,500/- per month from February 2009 till the end of September 2009 within a period of six weeks from today. If the amount is not deposited, ad-interim relief will stand vacated without further reference to the Court. As and when the amount is deposited, the respondent will be entitled to withdraw the same subject to final outcome of the petition. Pendency of this petition will not operate as stay of the proceedings of the main petition and the Family Court will proceed to decide the main petition expeditiously.*

2. As on today, it is reasonable to proceed on the basis that NJ Petition No. A-1214/2006, in which the impugned order came to be made has been finally disposed of. In which case, the reliefs applied for in the present petition might have been rendered infructuous. It is possible that it is for this reason that neither the parties nor their advocate are present today.

3. In any case, the Family Court at Bandra is directed to dispose of NJ Petition No. A-1214/2006 as expeditiously as possible and in any case within a period of 6 months from today in case, the said petition is not already disposed of.

4. Until the disposal of the impugned petition as aforesaid, the interim order made by this Court on 30th August 2010 shall operate.

5. With the aforesaid directions this petition is disposed of. There shall be no order as to costs.

6. The registry to intimate to sent an authenticated copy of this order to the Family Court at Bandra taking up NJ Petition No. A-1214/2006 within a period of 2 weeks from today.

(M. S. SONAK, J.)