

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO. 290 OF 2015****IN****PETITION NO. A-1062 OF 2012****Vishal Keshav Tiwari****..... Applicant****VERSUS****Archana Vishal Tiwari****..... Respondent**

Mr.Dinesh Tiwari, a/w. Mr.Swapnil Ambure, i/b. Dinesh Tiwari & Associates for the Applicant.

Mr.Udayan S.Jain, a/w. Ms.Grishma Lad, Mr.Swapnil N. for the Respondent.

CORAM : R.D. DHANUKA, J.**DATED : 12th JANUARY, 2016****P.C.**

Learned counsel appearing for the applicant on instruction from the applicant who is present in court seeks liberty to withdraw all the allegations made in the miscellaneous civil application against the learned Judge and also seeks liberty to withdraw this application unconditionally. In view of the application now made by the applicant for withdrawal of all the allegations made against the learned Judge unconditionally and for withdrawal of this application unconditionally, applicant is allowed to withdraw all the allegations as well as this application unconditionally. The applicant is warned not to make any such allegations in future against the learned Judge. Miscellaneous civil application is dismissed as withdrawn. No order as to costs.

2. At this stage, learned counsel appearing for the respondent states that though there is an order of payment of maintenance passed by the learned trial judge, the appellant has not complied with the said order. He submits that the child born out

of the wedlock with the appellant is of 4 ½ years old. Learned counsel appearing for the appellant states that no such order can be passed by this court for maintenance and if any appropriate proceeding is filed by the respondent for implementation of the order passed by the learned trial court for payment of maintenance, the appellant will defend with the said proceedings. In my view if the order passed by the learned trial judge for maintenance is not complied with by the appellant, the appellant is bound to comply with the said order passed by the learned trial judge for maintenance. In view of the fact that there is no stay against the order of maintenance passed by the learned family court inspite of various proceedings filed by the appellant in this court, the appellant is directed to comply of order of maintenance passed by the learned trial judge within two weeks from today.

[R.D. DHANUKA, J.]