

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

**FAMILY COURT APPEAL NO. 10 OF 2016
WITH
CIVIL APPLICATION NO. 21 OF 2016
IN
FCA NO. 10 OF 2016**

Smt. Sindhu Goroba Gaisamudre ... Appellant/Applicant.

V/s.

Shri Goroba Buwaji Caisamudre ... Respondent.

Mr. Ashok B. Tajane, Advocate for the Appellant/Applicant.
None for the Respondent.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 04th OCTOBER, 2016

P.C. :

1 Heard the learned counsel appearing for the Appellant/Applicant. None present for the Respondent.

2 Appellant is the wife against whom the Respondent -husband had filed the petition for divorce in the Family Court. In the said petition, an application under section 24 of the Hindu Marriage Act was filed by the appellant-wife, seeking maintenance for herself. The petition filed by the respondent-

husband was dismissed by the Family Court and as a result of the dismissal of the main petition, the maintenance application also stood dismissed. Against the said order of dismissal of the application under section 24 of the Act, the Appellant has filed the present appeal before this court. In our view, this Appeal is not maintainable since the interim proceedings stood terminated after the dismissal of the main petition.

3 The Appeal is, therefore, dismissed as not maintainable. The Civil application no. 21 of 2016 also does not survive and it is disposed of accordingly.

4 We are informed that the Respondent-husband has filed an Appeal against the order of dismissal of the petition passed by the Family Court. The Appellant-wife is at liberty to take civil application therein for continuation of maintenance awarded by the Family Court under section 24 of the Act. Reserving the said right, the present Appeal is disposed of, as ordered above.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

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