

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

996 CIVIL APPLICATION NO. 13803 OF 2017
IN WP/9326/2017

MRS. SEEMA ANKIT PANTOJI
VERSUS
ANKIT NARAYANRAO PANTOJI

...
Advocate for Applicant : Mr. V. V. Jahagirdar.
...

CORAM : **V. K. JADHAV, J.**
DATE : 08th December, 2017.

P.C.:

. By this civil application, the Applicant / wife seeking modification in the order dated 4th September, 2017 passed by this Court in Writ Petition No.9327 of 2017. The Petitioner / wife seeks specific directions to the Family Court, Aurangabad to pass the orders about rent, school fees and maintenance as expeditiously as possible preferably within one week from the date of the order passed in Petition No.A-597 of 2016. The learned counsels submits that the Petitioner/ wife has also filed an application before the Family Court, Aurangabad in Petition No.A-597 of 2016 to that effect on 21st September, 2017. However, the said application is still pending.

2 It further appears that though the Petitioner / wife has tried her best to serve Respondent / husband and even though the

Respondent / husband has received mails sent by the Petitioner / wife on his e-mail, he is not appearing in this civil application.

3 By order dated 4th September, 2017 passed in Writ Petition No.9326 of 2017, this Court granted liberty to the Petitioner to make an application identifying rented premises at Aurangabad for which a reasonable rent could be charged and while considering such an application, the learned Judge of the Family Court would consider the contentions of the parties and direct appropriate rent amount to be paid by the husband. This Court has also observed that in the event the Petitioner / wife desires to make an application for transferring the child to a nearby school where she can be assured of an admission mid-term, such request would also be considered by the Court below on its own merits. Even this Court has directed that if the husband defaults in any payment as is directed in the impugned order or as may be subsequently directed, the learned Principal Judge would consider striking of his defence.

4 In the light of these directions, even though the Petitioner / wife has submitted an application Exhibit 41 in Petition No.A-597 of 2016, the learned Judge of the Family Court has not decided the said application. Is it necessary to observe that considering the nature of

directions given by this Court in the order dated 4th September, 2017, the Family Court is bound to decide the application Exhibit 41 as expeditiously as possible? In view of the same, the civil application is disposed of.

[V. K. JADHAV, J.]

ndm