

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

WRIT PETITION NO. 2973 OF 2017

Mr. Hitesh Jaysingh Solanki ..Vs.. Mrs. Rekha Hitesh Solanki

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. Sudham Amare I/by. Vijay P Agale for
Petitioner.

Mr. Hakim Salim A. K. for Respondent.

CORAM : K. K. TATED, J.

DATE : AUGUST 04, 2017.

P.C. :

. Heard learned Counsel for parties.

2. By this Petition under Article 227 of the Constitution of India Petitioner is challenging the order dated 27th June, 2014 passed by the Family Court at Bandra, Mumbai below Exhibit 7 in Petition No. A-1823 of 2013 directing the Petitioner to pay sum of Rs. 15,000/- per month to the Respondent-wife and Rs. 5000/- per month to the child under section 24 and 26 of the Hindu Marriage Act.

3. In the present proceedings, the Petitioner-husband filed Petition under section 9 of the Hindu Marriage Act being

Petition No. A-1197 of 2013 for restitution of conjugal rights on 18th April, 2013. During the course of argument, the learned Counsel Mr. Salim for Respondent-wife submit that the said Petition stand dismissed.

4. The Respondent-wife had filed petition for divorce on 2nd July, 2013 under section 13 (1) (i-a) (i-b) of Hindu Marriage Act, 1955. In that application, the Respondent -wife preferred interim application bearing Application No. 133 of 2013 for interim maintenance under section 24 and 26 of the Hindu Marriage Act. In that application, the trial court passed the impugned order.

5. After arguing for some time, the learned Counsel Mr. Amare appearing on behalf of Petitioner after taking instructions from his client who is present in the Court makes a statement that Petitioner is ready and willing to pay sum of Rs. 2,00,000/- to the Respondent-wife within two weeks from today and further Rs. 2,00,000/- to the Respondent-wife within five weeks from today towards the arrears of maintenance charges. His statement is accepted.

6. The learned Counsel for Petitioner further submit that the Petitioner-husband filed Review Petition before the Family Court

on 9th February, 2015 for review of the interim maintenance order dated 27th June, 2014 passed by the Family Court under Section 24 and 26 of the said Act. He submits that the said Petition is pending for final disposal on its own merits.

7. The learned Counsel for Petitioner submit that at the time of making petition, the Respondent-wife was also working and earning sufficient amount. Hence, he require to place on record those facts and circumstances.

8. Considering the submission made by the learned Counsel for Petitioner and the undertaking given by him before this Court for payment of sum of Rs. 4,00,000/- towards the arrears of maintenance charges within five weeks from today.

9. By consent of both the parties, following order is passed.

ORDER

(a) Petitioner to pay sum of Rs. 2,00,000/- towards the arrears of maintenance charges to the Respondent-wife within two weeks from today.

(b) The Petitioner-husband to pay further sum of Rs. 2,00,000/- to the Respondent-wife within five weeks from

today.

(c) If the amount is paid within stipulated time, as stated above, the Respondent-wife is restrained from taking any coercive action against the Petitioner for recovery of the said amount.

(d) Review Petition filed by the Petitioner-husband to be heard on its own merits according to law after clearing the sum of Rs. 4,00,000/- as agreed by the Petitioner before this Court.

(e) With this direction, Writ Petition stand disposed of accordingly.

(f) Hearing of Review Petition is expedited.

(K.K.TATED, J.)