

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.50 OF 2013
IN
FAMILY COURT APPEAL NO.9 OF 2013

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Vikas K. Singh i/b Shri Shikhir Grover for the Applicant.
Shri I.M. Khairdi for the Respondent.

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CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ

DATED : 15TH FEBRUARY 2017

P.C.:

. Heard learned counsel appearing for the parties. As far as the prayer Clause i(a) is concerned, by the impugned decree, the Petition for declaration filed by the Applicant wife has been dismissed by the learned Judge of the Family Court. Therefore, there is no question of stay of execution of the impugned decree. As regards the prayer clauses added by way of amendment, none of the prayers can be granted as the same are beyond the

scope of the Appeal. As far as the prayer clause i(a) is concerned, at no stage, such injunction was granted in favour of the Applicant. Hence, the same prayer is granted.

2. As far as the prayer clause (a)(v) is concerned, the same is a drastic prayer for permitting the Applicant and her children to live in the suit flat. The Petition filed by the Applicant for declaration has been dismissed by the impugned decree. Therefore, none of the prayers can be granted in this Applicant. If the grievance of the Applicant is as regards the breach of the orders passed by the first Respondent in other proceedings, it will be open for the Applicant to take appropriate remedy in accordance with law.

3. Subject to what is observed above, the Application is rejected.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S.OKA, J)