

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

WRIT PETITION NO.3055 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Anusha P. Amin for the Petitioner

Mr.Anand i/b Mr.R.Karnik for the respondent

CORAM : K. K. TATED, J.

DATE : JUNE 13, 2017

RC.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order dated 30.12.2015 passed by 6th Joint Civil Judge, Senior Division, Thane below Exhibit-18 in Marriage Petition No.231 of 2013 holding that the respondent wife is entitled interim maintenance per month of amount of Rs.35,000/- (Rs.20,000/- for wife and Rs.15,000/- for daughter).

3 The learned counsel for the petitioner submits that respondent wife also filed application below Exhibit-14 in Misc.Application No.184 of 2013 before the 2nd Joint JMFC, Vashi under the Protection of Women from Domestic Violence Act, 2005. She submits that the learned Jt.JMFC, Vashi

by order dated 14.12.2015 held that the respondent wife is entitled sum of Rs.25,000/- per month. She submits that petitioner husband is paying amount of Rs.25,000/- as per the order dated 14.12.2015 below Exhibit-14 in Misc.Application No.184 of 2013. Therefore there is no question of allowing the respondent wife's application below Exhibit-18 in Marriage petition No.231 of 2013 by 6th Joint Civil Judge, Senior Division, Thane. She further makes a statement that as per the order dated 28.4.2017 passed by this court (Coram: R.G.Ketkar, J.) petitioner husband cleared all arrears of maintenance till today. She submits that in view of these facts, order dated 30.12.2015 below Exhibit- 18 in Marriage Petition No.231 of 2013 passed by 6th Joint Civil Judge, Senior Division, Thane be set aside.

4 On the other hand, the learned counsel for the respondent submits that he received instruction from his client that entire arrears of maintenance amount is paid by the petitioner. He submits that as per their calculation there is a difference of Rs.15,000/- only. He seeks liberty to verify the same and if there is difference to make appropriate application before the learned 2nd Joint JMFC, Vashi in M.A. No.184 of 2013. He submits that as the petitioner cleared all arrears of maintenance till today they have no objection if order dated

30.12.2015 passed by 6th Joint Civil Judge, Senior Division, Thane, be set aside.

5 Considering the submissions made by the both the counsel as recorded hereinabove, by consent following order is passed:

a) Orders dated 30.12.2015 passed by passed by 6th Joint Civil Judge, Senior Division, Thane below Exhibit-18 in Marriage Petition No.231 of 2013 is set aside.

b) Petitioner to pay sum of Rs.25,000/- per month by way of interim maintenance to the respondent as per order dated 14.12.2015 passed by 2nd Joint JMFC Vashi below Exhibit-14 in Marriage P 184

c) Liberty granted to the Respondent to make appropriate application before the 2nd Joint JMFC, Vasai below Exhibit-14 in Misc.Application No.184 of 2013 in respect of Rs.15,000/- which is disputed amount.

d) Petition stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)