

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL (STAMP) NO.13816 OF 2012
WITH
CIVIL APPLICATION NO. 78 OF 2013
IN
LETTERS PATENT APPEAL (STAMP) NO.13816 OF 2012**

Mrs. Namrata @ Devika Kishore
Shrimali (Gujarathi) ... Appellant.

Versus

Mr. Kishore Balkrishna Shrimali
(Gujrathi) ... Respondents.

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None for the Appellant-Applicant.

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***CORAM : Smt. Vasanti A Naik &
Sarang V. Kotwal, JJ.***

DATE : 19th December, 2017.

P.C. :

None appears for the appellant-applicant. The application and the appeal are not circulated for admission or for condonation of delay in filing the appeal for last more than six years. It is most likely that the cause for filing the Letters Patent Appeal must have been rendered infructuous. In terms of the order of the Family Court, the respondent was directed to pay monthly maintenance of Rs.4,500/- for the appellant and the minor son during the pendency of the petition for restitution of conjugal rights. The respondent-husband had challenged the order of the Family Court

in writ petition no.4131/2011. It appears that the learned Single Judge had while partly allowing the writ petition directed the husband to deposit the amount of Rs.4,500/- towards maintenance for the applicant-wife and the minor son and permitted the applicant-wife to withdraw a sum of Rs.3,000/- per month during the pendency of the petition before the Family Court. Since the petition was filed in 2010, it is most likely that the same must have been decided by the Family Court. In the circumstances of the case, the appellant must not be interested in prosecuting the appeal.

Since the cause for filing the appeal may have been rendered infructuous due to the probable subsequent developments, we dispose of the application and the Letters Patent Appeal with no order as to costs.

(Sarang V. Kotwal, J)

(Smt. Vasanti A Naik, J)