

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

WRIT PETITION NO.8291 OF 2012

Mrs. Apurva Amit Gotad : Petitioner
versus
Mr. Amit Prakash Gotad : Respondent.

Mr. S V Bane for the Petitioner.
Mr. S S Ambedkar i/by Mr. Siddhant Shetty for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 03rd March 2017

P.C.

1 Not on board. Since the above Petition is between the same parties as in Writ Petition No.11692 of 2015 which has been disposed of by the order passed today. By consent of the learned counsel for the parties, the above Writ Petition is taken up for hearing.

2 The above Petition challenges the order dated 05/05/2012 passed below Exhibit 15 by the learned Judge of the Family Court No.3, Mumbai by which order the Respondent husband was directed to pay the amount of Rs.4000/- per month so as to enable the Petitioner wife to seek accommodation on rental basis. The Petitioner wife has challenged the said order so as to seek enhancement of the amount as directed to be paid to her by the impugned order.

3 The learned counsel appearing for the Respondent husband Shri Ambedkar states that Marriage Petition in question being Petition No.A-370 of 2011 filed by the Petitioner husband has been allowed by the Family Court by the judgment and order dated 29/09/2016 and that the Respondent wife has filed Family Court Appeal No.47 of 2017 in this Court challenging the said judgment and order of the Family Court.

4 In view of the fact that the Marriage Petition has come to an end and considering the fact that the application for maintenance was filed pending the Marriage Petition, the challenge to the impugned order in so far as it annuls the maintenance granted to the Petitioner wife has turned infructuous. The above Petition is accordingly disposed of as having turned infructuous.

5 The learned counsel appearing for the Petitioner wife fairly states that the Respondent husband has paid the amount as directed by the impugned order till passing of the final order in the said Marriage Petition.

[R.M.SAVANT, J]