

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10038 OF 2016

Hiren Ashok Jhurani ... Petitioner
Vs.
Prachi Hiren Jhurani ... Respondent

Mr. Rahul Arote for Petitioner.
Mr. R. V. Govilkar a/w. Mr. Mihir Govilkar for Respondent.

CORAM : R. G. KETKAR, J.
DATE : MARCH 30, 2017

P.C. :

Not on Board. At the request of Mr. Govilkar, taken up in the production board.

2. Heard Mr. Arote, learned Counsel for petitioner and Mr. Govilkar, learned Counsel for respondent. Rule. Mr. Govilkar waives service for respondent. Having regard to the narrow controversy raised in this Petition as also at the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

3. Mr. Arote invited my attention to the orders passed by this Court from time to time. He submitted that in pursuance of the orders passed by this Court and in particular order dated 03.03.2017, petitioner has cleared the entire arrears of maintenance. As of today, petitioner is not in arrears of maintenance. He further assures that in future also, petitioner will ensure that he pays the amount as ordered by the trial Court within the stipulated period and will not be in arrears. Statements made by Mr. Arote are recorded.

4. Mr. Govilkar submits that respondent may be permitted to

withdraw the amount deposited by the petitioner in this Court. Mr. Arote has no objection.

5. In view thereof, respondent is permitted to withdraw the amount unconditionally. Respondent is present in the Court. She assures that she will extend full co-operation for recording her evidence and will not seek undue adjournment. Statement made by the respondent is recorded.

6. In view thereof, Petition is disposed of in the following terms:

- a. Impugned order dated 25.07.2016 passed by the learned Judge, Family Court in Application No.102 of 2015 in Petition No.A-1160 of 2013 is quashed and set aside;
- b. Parties are at liberty to file application before the Family Court for expeditious disposal of the Petition. If such application is made, the learned trial Judge will pass appropriate order;
- c. Rule is made absolute in the aforesaid terms with no order as to costs.

(R. G. KETKAR, J.)

Minal Parab