

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

WRIT PETITION NO.11692 OF 2015

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 The order dated 28/05/2015 passed by the learned Judge of the Family Court No.3, Mumbai modifying the order dated 01/10/2011 by setting aside the maintenance granted to the Petitioner wife but maintaining the maintenance granted to the child is taken exception to by way of the above Petition.

2 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 Respondent husband has been allowed by the Family Court by the judgment and order dated 29/09/2016 and that the Petitioner wife has filed Family Court Appeal No.47 of 2017 in this Court challenging the said judgment and order of the Family Court.

3 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. However, it is clarified that if any amount is remaining to be paid to the Petitioner wife whilst the order dated 01/10/2011 granting her maintenance was in operation, the Petitioner wife would be entitled to file appropriate proceedings for recovery of the said amount. The said directions would also apply in respect of the maintenance to be paid for the child.

[R.M.SAVANT, J]