

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

**CIVIL APPLICATION NO.29 OF 2017
IN
FAMILY COURT APPEAL NO.13 OF 2017**

Kapil Shah .. Applicant

V/s.

Keya Shah .. Respondent

Ms.Anuja Bhansali i/b Mr.Rawal Shah for the applicant

Ms.Disha Shetty I/b Mr.T.F.Irani for the respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

**DATED : AUGUST 6, 2018
(IN CHAMBER AT 2.45 P.M.)**

P.C. :

- 1 Heard the learned counsel for the parties.
- 2 By this Civil Application, Applicant husband is seeking stay of the operation and implementation of the judgment and decree dated 01.10.2016 passed by Family Court under section 9 of the Hindu Marriage, Act 1955 i.e. restitution of conjugal rights.
- 3 Considering the submission made by both the parties, we are of

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the opinion that pending the hearing and final disposal of the present Family Court Appeal No.13 of 2017, applicant has made out a case for stay of the said decree. Hence following order is passed:

- a) Operation and implementation of the judgment and decree dated 01.10.2016 passed by Family Court under section 9 of the Hindu Marriage Act, 1955 i.e. restitution of conjugal rights is stayed till the hearing and final disposal of the present Family Court Appeal.
- b) Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)