

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

**FAMILY COURT APPEAL NO.79 OF 2018
WITH
CIVIL APPLICATION NO.114 OF 2018**

Aijaz Abdul Gani Mamtuley .. Appellant

V/s.

Nazia Alijaz Mamtuley .. Respondent

Mr.Uzar Z.Kazi i/b Mr.Gudia Gupta for the appellant

Mrs.Sana Hakim i/b Mr.Hakim Salim for the respondent

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

DATED : JUNE 20, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 The learned counsel for the appellant submits that by mistake, they filed Family Court Appeal against the impugned order dated 5.2.2018 below Ex.7 passed by Family Court, Mumbai at Bandra in Int.Application No.8 of 2016 in Petition No. A-3014 of 2015. He submits that against the said order, Writ Petition is maintainable. He submits that Appellant may be permitted to withdraw the Family Court Appeal as well as Civil Application with liberty to file appropriate

proceeding. To that effect, they have given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

3 Family Court Appeal is disposed of as withdrawn with liberty to file appropriate proceeding challenging the impugned order.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)