

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition NO. 3833 OF 2015

Rukmani Bagai ...Petitioner
Versus
Harinder Surinder Bagai ...Respondent

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Ms.T.F. Irani i/b. Maya B. Idnani, Advocate for the Petitioner.
Mr. Vikram Deshmukh i/b. ANB Legal, for the Respondent.

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CORAM : R. G. KETKAR, J.
DATE : 01st MARCH, 2018

P.C.

1. Heard Ms.T.F. Irani, learned counsel for the petitioner and Mr.Vikram Deshmukh, learned counsel for the respondent.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 16.2.2015 passed by the learned Principal Judge, Family Court, Mumbai below Exhibit-22 in Petition No.A.331/2013. By that order the learned trial Judge rejected the application made by the petitioner for interim maintenance.
3. Ms. Irani states that the petitioner is present in the Court. Upon taking instructions from her, she seeks permission to withdraw this Petition with liberty to agitate the issue of maintenance at the time of final hearing of the main petition. She further submits that it may be clarified that while deciding the main petition finally, the learned trial

Judge will decide the same including issue of maintenance on the basis of evidence on record and in accordance with law uninfluenced by the observations made in the impugned order.

4. Mr. Deshmukh, upon taking instructions, states that the respondent is presently working in U.S.A and he will make himself available for cross-examination between 23.4.2018 and 2.5.2018. He further states that the respondent wishes to examine one more witness. Statements made by Mr. Deshmukh, on instructions, are accepted. Ms.Irani assures that she will complete respondent's cross-examination during this period. The time stipulated in the order is extended accordingly.

5. In view thereof, on the motion made by Ms. Irani, the Petition is allowed to be withdrawn. The learned trial Judge will decide the issue of maintenance at the time of finally disposing of the main petition. All contentions of the parties in that regard are expressly kept open. The learned trial Judge will decide the main Petition including the issue of permanent maintenance on the basis of evidence on record and in accordance with law, uninfluenced by the observations made in the impugned order. Order accordingly.

(R. G. KETKAR, J.)