

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7279 OF 2016

Sabita Maria Burges	...	Petitioner
Vs.		
Mark Lionel Burges	...	Respondent

Mr. Rohaan Cama i/b. Ms Sapna Rachure for Petitioner.
Mr. Pradip Chavan i/b. Pradip Chavan & Asso. for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JUNE 7, 2018

P.C. :

Heard Mr. Cama, learned Counsel for the petitioner and Mr. Chavan, learned Counsel for the respondent.

2. This Petition takes exception to the judgment and order dated 03.03.2016 passed by the learned Judge, Family Court No.2, Mumbai below exhibits 106 and 111 in Petition No.A-2729 of 2009. By that order, the learned trial Judge partly allowed the applications, exhibits 106 and 111.

3. Mr. Cama submitted that during the pendency of this Petition, Petition No.A-2729 of 2009 filed by the wife for judicial separation and the counter claim set up by the husband for divorce is decided. The Family Court has dismissed the Petition and allowed the counter-claim made by the respondent for divorce. Aggrieved by this decision, petitioner has instituted substantive appeal being F.C.A.(St.) No.12760 of 2018 in this Court. He, therefore, seeks permission to withdraw this Petition with liberty to challenge the impugned order by taking out appropriate application in the pending appeal for amending the appeal memo of that appeal. Mr. Chavan has no objection.

4. In view thereof, on the motion made by Mr. Cama, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case.

(R. G. KETKAR, J.)

Minal Parab