

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.160/2018
IN
FAMILY COURT APPEAL NO.106/2018

Dhiraj Vilasrao Pawar

... Applicant

V/s.

Archana Dhiraj Pawar

... Respondent

Mr. Shekhar Jagtap I/b. J. Shekhar & Co. for the Applicant
Mr. Prathamesh B. Bhargude for the Respondent

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

DATED : AUGUST 8, 2018

P.C. :

1 Heard. By this Civil Application the Applicant is seeking stay of the operation and implementation of the impugned judgment and decree passed by the Family Court, by which the Respondent wife's counter claim for restitution of conjugal rights was allowed.

2 The learned counsel for the Respondent has vehemently opposed the Civil Application. He denied the allegations made against the Respondent by the Applicant in the present Civil Application. He submits that there is no question of staying the said decree passed by the Family Court.

Basavraj G. Patil

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3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for stay of the operation and implementation of clause 2 of the impugned judgment and decree .

4 Hence, the following order:

a) Clause 2 of the impugned judgment and decree dated 12.02.2018 passed by the Family Court No4, Pune in Petition No.368/2012 is stayed till hearing and final disposal of the present appeal. Clause 2 reads thus:

“(2) The counter-claim of Respondent – wife of restitution of conjugal rights is allowed.”

b) Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)