

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.6691 OF 2018

WITH

WRIT PETITION NO.6694 OF 2018

Poonam Jaidev Shroff	]	Petitioner
Vs.		
Jaidev Rajnikanth Shroff	]	Respondent

WITH

WRIT PETITION [ST] NO.17772 OF 2018

Jaidev Rajnikant Shroff	]	Petitioner
Vs.		
Poonam Bhagat Shroff	]	Respondent

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Mr. Navroz Seervai, Sr. Advocate with Mr. Vineet B. Naik a/w Ms. Aarti Raghwan & Ms. Komal N. Joshi, Mr. Sameer Singh & Mr. Harsh B. Buch and Mr. Sameer H. Tapia i/b ALMT Legal, for Petitioner in W.P. (ST) No.17772 of 2018 and for Respondent in W.P. No.6691 of 2018 and W.P. No.6994 of 2018.

Mr. Gaurav Joshi, Mr. Sarosh Bharucha i/b H.K. Law Associates for Petitioner in W.P. No.6691 of 2018 and W.P. No.6694 of 2018 and Respondent in Writ Petition (ST) No.17772 of 2018.

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CORAM : R.G. KETKAR, J.

DATE : 28TH JUNE, 2018.

P.C.

Heard Mr. Joshi, learned Senior Counsel for the petitioner in W.P. No.6691 of 2018 and W.P. No.6694 of 2018 and for respondent in Writ Petition (ST) No.17772 of 2018 and Mr. Seervai, learned Senior Counsel for the petitioner in W.P. (ST) No.17772 of 2018 and for respondent in Writ Petition No.6691 of 2018 and Writ Petition No.6694 of 2018.

2. Rule. Having regard to the nature of the controversy raised in these Petitions as also at the request and by consent of the learned Counsel for the parties, Rule is made returnable forthwith and Petitions are taken up for final hearing.

3. In Writ Petition No.6691 of 2018, the petitioner/wife has prayed for following reliefs;

- (a) This Hon'ble Court be pleased to entertain the present petition and grant issue of writ of certiorari or such other writ or directions in the matter;
- (b) Quash and set aside common order dated June 8, 2018 (being Exhibit A to the Petition) passed by the Hon'ble Family Court, Mumbai in Exhibit 28 in the divorce petition No. A-2742 of 2015;
- (c) Pending hearing and final disposal of the Petition, the Respondent should be restrained from taking Rudritara outside Mumbai unsupervised/unaccompanied by her Mother i.e, the Petitioner and Bhabna Upadhyaya or Sister Nita Kadam;

4. Mr. Seevrai, on instructions states that Petition may be made absolute in terms of prayer clause (b), thereby setting aside order dated 8th June, 2018 passed by the Family Court, Mumbai below Exhibit 28 in Divorce Petition No.A-2742 of 2015.

5. In Writ Petition No.6694 of 2018, petitioner/wife has claimed following reliefs;

- (a) This Hon'ble Court be pleased to entertain the present petition and grant issue of writ of certiorai or such other

writ order or directions in the matter;

- (b) Quash and set aside common order dated June 8, 2018 (being Exhibit A to the Petition) passed by the Hon'ble Family Court Mumbai in Exhibit 57 in the divorce petition No.A-2742 of 2015;
- (c) That pending hearing and final disposal of the Petition, the Hon'ble Court be pleased to direct the Respondent to deposit an amount of Rs. 3,60,000,00/- at least so that the Petitioner can take Rudritara on a summer vacation forthwith”.

6. Mr. Seevrai, on instructions states that Petition may be made absolute in terms of prayer clause (b) thereby setting aside order dated 8th June, 2018 passed by the Family Court, Mumbai below Exhibit 57 in Divorce Petition No.A-2742 of 2015.

7. Writ Petition (ST) No.13772 of 2018 is filed by the petitioner/husband, inter alia, praying for following reliefs;

- (a) That this Hon'ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or such a writ as the Hon'ble Court deems fit in the circumstances of the matter.
- (b) That this Hon'ble Court be pleased to pass an order of direction under Article 226 of the Constitution of India calling for the records of the Impugned Order dated 08 June 2018 (Exhibit A hereto), and after going into the legality and validity of the same, to quash or set aside the same;

(c) That this Hon'ble Court be pleased to issue a writ of mandamus or an writ in the nature of mandamus or such other writ as the Hon'ble Court deems fit citing the circumstances of this case, order or direction under Article 226 of the Constitution of India, ordering and directing the learned Trial Judge to adjudicate the Interim Maintenance Application and examine the merits and demerits de horrs the orders passed under the instant writ”.

8. Mr. Joshi on instructions states that Petition may be made absolute in terms of prayer clause (c). He, however, submits that the learned trial Judge may be directed to dispose of the interim application in a time bound manner and till such time, order directing respondent to pay maintenance of Rs.3,60,000,00/- may be treated as ad-interim order.

9. In view of the statements, Rule is made absolute in terms of prayer clause (b) of Writ Petition No.6691 of 2019 and Writ Petition No.6694 of 2018 with no order as to costs.

10. In so far as Writ Petition (ST) No.17772 of 2018 is concerned, learned Counsel for the parties submit that interim maintenance application may be directed to be disposed of in a time bound manner. They assure that parties will appear before the trial Court on 5th July, 2018 and for that purpose, no fresh notice be issued to them. Learned trial Judge to fix a suitable date and to dispose of interim application for maintenance within two weeks from fixing a suitable date of hearing. Mr. Joshi submitted that till such time, as and by way of ad-interim order, husband may be directed to pay interim maintenance @ Rs. 3,60,000,00/-. As the application for interim maintenance

is pending for more than two years and I am directing the trial Court to dispose of interim application in a time bound manner, it is not possible to accept this request.

11. Rule is made absolute in terms of prayer clause (c) with no order as to costs. Parties shall appear before the trial Court on 5th July, 2018 and for that purpose, no fresh notice be issued to them. The learned trial Judge will fix a suitable date and thereafter dispose of interim maintenance application within two weeks.

12. All contentions of the parties are expressly kept open.

[R.G. KETKAR, J.]