

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

**CIVIL APPLICATION NO.175 OF 2017  
IN  
FAMILY COURT APPEAL NO.10 OF 2018**

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------|---------------------------|

Mr.Abhijit D. Sarwate for the applicant

Mr.Sachin V. Khandagale for the respondent

**CORAM : K. K. TATED &  
SARANG V. KOTWAL, JJ.**

**DATE : FEBRUARY 24, 2018**

**P.C.:**

1. Heard the learned counsel for the parties.
2. This Civil Application is preferred by husband for stay of the operation and implementation of the impugned judgment and decree dated 30.3.2017 passed by Family Court, Pune in Petition No.A-667 of 2010 under section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal right.
3. Liberty granted to the Applicant to carry out appropriate amendment in prayer clause during the course of the day.
4. 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 allowing the present Civil Application. Hence, following order:

- a) The operation and implementation of the impugned judgment and decree dated 30.3.2017 in Petition No.A-667 of 2010 passed by Trial Court is stayed in respect of clause no.2 i.e. “Respondent is directed to resume co-habitation with the Petitioner within two months from the date of order.”
- b) Liberty granted to the Applicant if he so desires to take appropriate steps in respect of judgment and decree passed by Trial Court in Petition No.E-211 of 2010 and that be decided on its own merits.
- c) Civil Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

**(K.K.TATED, J.)**