

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

**FAMILY COURT APPEAL NO.233 OF 2014
IN
CIVIL M.A. NO.25 OF 2012**

**WITH
CIVIL APPLICATION NO.313 OF 2014
IN
FAMILY COURT APPEAL NO.233 OF 2014
IN
CIVIL M.A. NO.25 OF 2012**

Milind Vilas Sarawade Appellant
versus
Minal Milind Sarawade & Anr. ... Respondents

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- Mr.Vivek Sharma with Ms. C. Bocarro, Advocate for the Appellant.
- Mrs.Prerna C. Janvekar, Advocate for the Respondent No.1.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : 30th JANUARY, 2018.**

P.C.:

1. The present Appeal was preferred by the Appellant challenging the Judgment and Order dated 03/06/2014 passed in Civil M.A.No.35/2012, by the learned Judge, Family Court No.7, Bandra, Mumbai, whereby the Appellant was directed to

pay the enhanced maintenance of Rs.4,000/- per month each to the Respondent Nos.1 and 2 instead of amount of Rs.3,100/- per month, which was granted by the earlier order dated 23/08/2005 passed in Petition No.A-200/2005 before the Family Court, Bandra.

2. As mentioned earlier, vide the order dated 23/08/2005 passed in Petition No.A-200/2005, the learned Judge of Family Court, pursuant to the Consent Terms, granted permanent custody of the Respondent No.2 to Respondent No.1 herein and had directed the Appellant to pay Rs.3,100/- per month towards the maintenance for both the Respondents from September 2005. The said order was modified by the order dated 03/06/2014 passed in Civil M.A. No.35/12 as mentioned earlier.

3. During the pendency of the present Appeal before this Court, the Respondent No.2 Rishikesh Sarawade, attained majority and he will be completing 19 years of age on 31/01/2018. Thus, he is no more minor.

4. Today the Appellant has filed his affidavit dated 30/01/2018 mentioning that he is restricting the challenge in his Appeal to the grant of maintenance to his son, pursuant to the order dated 03/06/2014 passed in the aforementioned Civil M.A. No.35/2012 before the Family Court No.7, Bandra, Mumbai. The Appellant has also given in writing that he wishes to withdraw the First Appeal. Same is taken on record and marked as 'X' for identification.

5. Since the son has attained majority, there is no question of paying maintenance to him on becoming a 'major'. Since the Appellant is not challenging the grant of maintenance to the Respondent No.1 wife, we are inclined to grant permission to the Appellant to withdraw the Appeal. Hence the following order;

- (a) The Appellant is allowed to withdraw the Family Court Appeal No.233 of 2014 and same is disposed of as withdrawn.

- (b) Appellant is not liable to pay further maintenance to the Respondent No.2 (Rishikesh Sarawade).
- (c) Appellant to pay maintenance charges to the Respondent No.1 as per order dated 03/06/2014 passed by Family Court in Civil M.A. No.35 of 2012.
- (d) Civil Application No.313/14 is disposed of in view of the withdrawal of the First Appeal.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)