

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.9757 OF 2018

Morley Nishit Patel	]	Petitioner
Vs.		
Nishit Yogendra Patel	]	Respondent

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Mr. Satyam N. Vaishnawa a/w Ms. Nupur J. Mukherjee i/b M/s. N.N. Vaishnawa & Co., for the Petitioner.
Ms. Firdaus Moosa i/b Mr. Prakash Mahadik, for Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 21st SEPTEMBER, 2018.

P.C.

Heard Mr. Vaishnawa, learned Counsel for the petitioner and Ms. Moosa, learned Counsel for the respondent.

2. The petitioner has filed this Petition under Article 227 of the Constitution of India as though the petitioner moved for urgent ad-interim relief before the Family Court on 27th July, 2018, the Family Court simply adjourned the proceedings to 25th October, 2018 without granting or refusing ad-interim relief.

3. Ms. Moosa states that the respondent is not served with the proceedings filed in the Family Court till date. All that the respondent is served with the proceedings of the present Petition. Ms. Moosa submits that the respondent is present in the Court. She has tendered photo copy of Aadhar Card of the respondent which is taken on record and marked 'A' for identification. Upon taking instructions from him, Ms. Moosa states that the

respondent will file reply to the application for interim relief on 25th October, 2018 in the Family Court and will serve copy on the other side on that day. She further states that without prejudice to the rights and contentions of the respondent in the pending proceedings, he will maintain status-quo as on today.

4. In view thereof, statements made by Ms. Moosa, on instructions are accepted. The parties shall appear before the Family Court on 25th October, 2018 and the Family Court will decide the application for interim relief in accordance with law. It is made clear that the Family Court shall not be influenced by the statements made by Ms. Moosa on instructions and decide the proceedings on the basis of the material on record and in accordance with law. The recording of statement shall not be construed as an expression of merit by this Court. All the contentions of the parties are expressly kept. Petition is disposed of accordingly.

[R.G. KETKAR, J.]