

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

**CIVIL APPLICATION NO.1932 OF 2018
IN
WRIT PETITION NO.3553 OF 2018**

Amrapali Singhee

...Applicant

V/s.

Prakash Singhee

...Respondent

Mr. Abhijit D. Sarwate a/w. Mr. Ajinkya Udane for the Applicant.

Ms. Seema Sarnaik for the Petitioner in WP No.3553/2018.

CORAM : SMT.BHARATI H. DANGRE, J.

DATE : 06th SEPTEMBER 2018

P.C.:

1. The said application is filed by the applicant wife seeking direction that the observation of this Court while disposing of the Writ Petition No.3553/2018 on 04.05.2018 to the effect that the 25% of the amount be deposited should be construed as to be from the date of the application i.e. on 16.02.2013 and not from the date of the order. Another ground which is raised in the application and on the basis of which prayer clause (b) is inserted in the application is that the application should be decided expeditiously in terms of the order passed by this Court on 04.05.2018 and it is alleged that

though it was directed by this Court that it should be decided in 3 months, the said period has lapsed, but the proceedings are still pending.

2. I have heard the learned counsel for the parties. As far as the first prayer is concerned, this Court had clearly indicated in Para 16 of the order that the husband is directed to deposit 25% of the amount in terms of the directions of the Family Court and the said amount would be calculated from the date of the order i.e. 23.01.2017. It was never intended that the said amount would be calculated from the date of filing of application. In the light of the observations made above, prayer clause (c) of the application is misconceived and cannot be granted.

3. As far as expeditious disposal of the application in terms of the order passed by this Court is concerned, the learned counsel for the applicant made a grievance that while proceeding with the matter he has filed additional documents and resultantly an opportunity needs to be given to the other side.

4. Ms. Sarnaik appearing for the husband would submit that if such a documents are tendered as additional documents, she has no grievance provided she is given opportunity to respondent and the matter can be proceeded. It is clear that the parties will not prolong the matter on one or other ground and would against the Court in

terms complying with the directions issued by this Court while disposing of the application on merits.

5. Keeping in mind the deadline that was prescribed by the Court and in any contingency the Family Court has not approached this Court and sought an extension and therefore, the endeavour should be made by the Family Court to dispose of the application by 31.10.2018.

(SMT.BHARATI H. DANGRE, J.)