

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

**FAMILY COURT APPEAL NO. 184 OF 2018
WITH
CIVIL APPLICATION NO. 258 OF 2018
IN
FAMILY COURT APPEAL NO. 184 OF 2018**

Warsha @ Elee Kusumchand Javeri ... Appellant/
Applicant.

V/s.

Suren Bhagwant Goregaonkar ... Respondent.

Ms. Tanmayi Rajadhyaksha, Advocate i/by Ms. Jesal Shah
I/by Daru Shah & Co. for the Appellant/Applicant.

Mr. Pradip Chavan, Advocate a/w. Ms. Triputi Chava I/by P.S.
Chavan & Associates for the Respondent.

CORAM : K.K. TATED & N.J. JAMADAR, JJ.

DATE : DECEMBER 18, 2018.

PC :

1 Heard the learned counsel for the parties.

2 By this family court appeal, the Appellant is
challenging the judgment and decree dated 17.11.2017 passed
by the Family Court, Bandra, Mumbai in Misc. Application No.
34 of 2015, dismissing the Appellant's application under
section 37 of the Special Marriage Act.

3 After arguing the matter for some time, both the learned counsel for the parties filed by consent the Minutes of the Order dated 18.12.2018. The same is taken on record and marked as “X” for identification. The said “Minutes of the Order” are reproduced as under :

“Minutes of the Order

1. The Family Court Appeal heard finally by consent of the parties and disposed off with following order ;

a) The impugned order dated 17th November 2017 passed in Miscellaneous Application No. 34 of 2015 passed by the Family Court at Bandra is hereby quashed and set aside.

b) The Respondent shall pay the arrears of maintenance from April, 2012 till December, 2018 (i.e. 81 months) @ Rs.6000/- per month amounting to Rs. 4,86,000/- by Demand Draft in favour of Warsha K. Javeri within one month from date hereof i.e payable on or before 14th January, 2019. The Respondent shall continue to pay to the Appellant Rs.6000/- per month. The Appellant shall share her Bank details to the Respondent so as to enable him to transfer the said

amount of Rs. 6000/- per month directly into her account on or before 7th day of each month from January, 2019 during her life time.

(c) & (d) : deleted.

e) The Respondent shall not deal with, dispose off, encumber, create third party rights or part with any of the properties of the deceased husband in the hands of the Respondent as of 2nd November, 2018 till the disposal of the application/ applications made by either of the parties before the Family Court, Mumbai.

Dated this 18th day of December, 2018.

Appellant's Advocates Respondent's Advocates.”

4 It is made clear that the Family Court at Bandra, Mumbai to decide Misc. Application No. 34 of 2015 filed by the Appellant on 12.02.2015, on its own merits, after hearing both the sides. It is also made clear that both the parties are at liberty to file reply, rejoinder, sur-rejoinder, additional documents including counter-claim on or before 31.01.2019.

5 This Court expects that the Family Court shall decide the Misc. Application No.34 of 215 on its own merits, after hearing both the sides, as early as possible, and in any case on/ or before 30th June, 2019.

6 Parties to act on authenticated copy of this order duly issued by the Registry.

7 The Family Court Appeal No. 184 of 2018 as well as the Civil Application No. 258 of 2018 stand disposed of in the above terms.

8 No order as to costs.

(N.J. JAMADAR, J.)

(K. K. TATED,J.)

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