

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

**CIVIL APPLICATION NO.2 OF 2015
IN
FAMILY COURT APPEAL NO.301 OF 2014**

Shraddha Sharad Borle

..Applicant

vs.

Sharad Gangaram Borle

..Respondent

Mrs.Veena Kamble for the Applicant.

Mrs.Anita Murgude for the Respondent.

**CORAM : K. K. TATED, &
B.P.COLABAWALLA, JJ.**

DATE : 14TH AUGUST, 2018

P.C. :

1 Heard learned counsel for the parties.

2 By this Civil Application, the applicant/wife is seeking stay of order dated 1st September 2014, passed by the Family Court in Marriage Petition No.A-216 of 2011 and also other reliefs for custody of two children.

3 Mrs.Anita Murgude, learned counsel appearing on behalf of the Respondent/Husband filed an Affidavit dated 8th August 2018 stating that he is not going to marry till the disposal of present Family Court Appeal. It is also recorded in the said Affidavit that he do not have any objection if the Applicant/mother wants to meet both the children, if both the children are ready and willing to do so. The said Affidavit is taken on record and marked X- for identification.

4 The learned counsel Mrs.Veena Kamble, appearing on behalf of the Applicant submits that in view of the Affidavit dated 8th August 2018 filed by the Respondent/husband, nothing survives in the present Civil Application. She submits that the applicant/wife may be permitted to take out appropriate application for maintenance charges payable by the Respondent/husband.

5 Considering the submissions made by the Advocate for the Applicant and the Affidavit dated 8th August 2018 filed by the Respondent/husband, Civil Application stands disposed of with following order :

ORDER

a] Liberty granted to the applicant/wife to take out appropriate application, if she so desires, for maintenance charges and that will be decided on its own merits.

- b] Civil Application stands disposed of accordingly.
- c] No order as to costs.

(B.P.COLABAWALLA, J.)

(K. K. TATED, J.)