

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13086 OF 2018

Vijaya Khemji Parab ...Petitioner
vs.
Khemji Sitaram Parab and Ors. ...Respondents

Mr. Amit Kate, for the Petitioner
Mr. Mohan Salian a/w. Shabba Kumar i/b.MGS Legal, for the
Respondent Nos. 2 to 5.

CORAM : M. S. SONAK, J.

DATE : DECEMBER 17, 2018

P.C.:

- . Heard Mr. Kate, learned counsel for the Petitioner.
2. He states that he has served Respondent No. 1 and the Petitioner will file affidavit of service within a period of two days from today. This statement is accepted.
3. On 21st November, 2018 this Court has made the following order:

1] Issue notice to Mr. Khemji S. Parab, incorrectly styled as respondent No.2, returnable on 11th December 2018. The notice to indicate that the matter may be heard and disposed of finally at the stage of admission.

2] Mr. Mohan Salian waives service on behalf of respondent Nos.3,4,5 and 6.

3] In the meanwhile, the following interim directions are issued.

(a) The learned Family Court at Bandra is directed to prepone the hearing on application dated 30th October 2018 made by the petitioner in Petition No. C-59 of 2017 to some suitable date in the first week of December 2018 itself and thereafter dispose of the same one way or the other after affording an opportunity of hearing to the parties latest by 15th December 2018;

(b) Respondent Nos.3 to 6 are directed not to release the terminal dues including Provident Fund to respondent no.1 at least upto 15th December 2018 in the first instance;

(c) In case no steps are taken by the petitioner to serve Mr. Khemji Parab within one week from today, the interim directions issued earlier to stand vacated;

(d) Place the matter for further consideration on 11th December 2018;

(e) The learned counsel for the petitioner states that an authenticated copy of this order will be filed before the learned Family Court within a period of one week from today;

(f) All concerned to act upon an authenticated copy of this order.

4. From the aforesaid it is clear that the parties were put to notice that this matter will be heard and disposed of at the stage of admission. In pursuance of direction under clause 3 (a) of the order dated 21st November, 2018 the learned Family Court has proceeded to hear the application dated 30th October, 2018 made by the Petitioner seeking for relief similar to those which have been applied for in the Petition. The learned counsel for the Petitioner

places on record the Roznama which suggest that the matter is not posted on 9th January, 2019.

5. In the aforesaid circumstances, the time limit for disposal of the application dated 30th October, 2018 is extended upto 21st January, 2019. Until such application is decided and for a period of two weeks thereafter, the interim order granted by clause 3 (b) of the aforesaid order dated 21st November, 2018 to operate.

6. The application dated 30th October, 2018 to be decided and disposed of by the learned Family Court on its own merits in accordance with law.

7. All contentions of the parties are left open.

8. Rule is made absolute to the aforesaid terms.

9. There shall be no order as to costs.

(M. S. SONAK, J.)