

CIVIL APPLICATION NO. 6 OF 2013

IN

FAMILY COURT APPEAL NO. 128 OF 2012

Mrs Nandini Sanjay Surve ..Applicant/Appellant.

Vs.

Sanjay Manohar Surve ..Respondent

Mr. Hemant Kenjalkar for the Applicant/appellant.

Mrs Nazneen Contractor for the Respondent.

CORAM:-K. K. TATED &

B. P. COLABAWALLA, JJ.

DATE :- JUNE 15, 2018.

P. C.:

Heard learned counsel for parties.

2 By this Civil Application the applicant is seeking
enhancement of maintenance charges.

3 During the course of argument, learned advocate
for the applicant submits that they have already filed Civil
Miscellaneous Application No. 114 of 2015 before the Family
Court, Bandra for enhancement of maintenance charges with
following prayers.

“(a) This Hon’ble Court may be pleased to order the

Respondent to furnish the proof his exact and true income;

- (b) This Hon'ble Court may be pleased to modify and vary the Order of maintenance dated 16/07/2012 passed in favour of applicant and her two daughters, Priyanka and Aditi;
- (c) This Hon'ble Court be pleased to pass an order directing the Respondent to pay an amount of Rs.17,100/- (Rs.Seventeen Thousand One Hundred only) towards monthly maintenance of the Applicant and her two daughters, Priyanka and Aditi;
- (d) This Hon'ble Court be pleased to pass an order directing the Respondent to pay to elder daughter, Priyanka an amount of Rs.4,000/- (Rs.Four Thousand) towards her expenses for Stationary, Internet, Travelling and all other related expenses for education;
- (e) This Hon'ble Court be pleased to pass an order directing the Respondent to pay to younger daughter, Aditi Rs.4000/- (Rs. Four Thousand) towards her expenses for, Stationary, Internet, Travelling and all other related expenses for education;
- (f) This Hon'ble Court be pleased to pass an order directing the Respondent to pay the total amount of Rs.35,200/- (Rs.Thirty Five Thousand Two Hundred only) towards educational fees of daughter Priyanka, for 2nd and 3rd Semesters;
- (g) This Hon'ble Court be pleased to pass an order directing the Respondent to pay an amount of Rs.17,240/- (Rs. Seventeen Thousand Two Hundred

Forty only) towards educational fee of daughter Aditi for the year 2014-2015;

- (h) Hon'ble Court be pleased to pass an order directing the Respondent to pay an amount of Rs.10,000/- towards the rent of an alternate accommodation;
- (i) Ad-interim relief in terms of prayer (b) to (h) may please be granted;
- (j) Cost and expenses of this application as the same may be deemed fit and proper by this Hon'ble Court;
- (k) Any other and further relief in the interest of justice and equity is passed."

He submits that such an application is pending for hearing on its own merits. These facts are not disputed by the learned counsel for the Respondent.

4 Learned counsel for the applicant, after taking instructions from his client, who is present in the Court, makes a statement that the applicant may be permitted to withdraw the present Civil Application with liberty to press their Civil Miscellaneous Application No. 114 of 2015 filed by them before the Family Court, Bandra on its own merits. To that effect he has given in writing. The same is taken on record and marked "**X**" for identification.

6 Considering the submissions made by the learned counsel for the applicant and the writing given by him, the

following order is passed;

- (a) Civil Application No. 6 of 2013 stands disposed of as withdrawn;
- (b) No order as to costs;
- (c) Family Court, Bandra is directed to decide Civil Miscellaneous Application No. 114 of 2015 in Petition No. A-2256 of 2010 filed by the applicant-wife for enhancement of maintenance charges on its own merits, after hearing both the sides;
- (d) Hearing of Civil Miscellaneous Application No. 114 of 2015 is expedited;
- (e) This Court expects the Family Court, Bandra to decide Civil Miscellaneous Application No.114 of 2015 as early as possible but in any case on or before 30th November, 2018;
- (f) Parties to act on the authenticated copy of this order.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)