

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.35557 OF 2018

Jignesh Hasmukh Gopani

...Petitioner

vs.

Khushbu Jignesh Gopani

...Respondent

Mr. V.D. Upadhyay, for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : DECEMBER 21, 2018

P.C.:

. Mr. Upadhyay, learned counsel for the Petitioner states that the Petitioner had never made a statement that he was ready and willing to pay the maintenance to the daughter in the range of Rs. 5,000/- to Rs. 7,000/- p.m. and also ready to pay the school fees of the daughter. He asserts that the only statement made was that the Petitioner was ready and willing to pay the maintenance to the daughter in the range of Rs. 5,000/- to Rs. 7,000/- p.m. He asserts that there was no statement for payment of school fees. In paragraph 4 of the impugned order however, the statement is recorded that the Petitioner was ready to pay the school fees and maintenance to the daughter in the range of Rs. 5,000/- to Rs. 7,000/- p.m.

2. Since, such statement is recorded in the impugned order, the learned counsel for the Petitioner, on the basis of instruction from the Petitioner, seeks leave to withdraw this Petition with liberty to take appropriate application, before the learned Family Court pointing that the Petitioner's statement was restrained only to payment of maintenance to the daughter in the range of Rs. 5,000/- to Rs. 7,000/- p.m.

3. According to me, the aforesaid is the appropriate course to adopt in the matter of this nature. Therefore, leave is granted to withdraw this Petition with liberty as prayed for.

4. If such application is made, the same to be decided in accordance with law on its own merits after giving opportunity of hearing to both the sides.

5. This Petition is disposed of with liberty as aforesaid.

(M. S. SONAK, J.)