

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

WRIT PETITION NO. 1477 OF 2019

Janardan Reghnath Patil	...	Petitioner
V/s.		
Priyanka Janardan Patil	...	Respondent

WITH
I.A. NO. 01 OF 2019
IN
WRIT PETITION NO. 1477 OF 2019

Priyanka Janardan Patil	...	Applicant
<u>In the matter between :-</u>		
Janardan Reghnath Patil	...	Petitioner
V/s.		
Priyanka Janardan Patil	...	Respondent

Mr.Rajesh Datar for Petitioner.
Mr.Ganesh Gole for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 13th November 2019.

P.C. :

1] The record clearly reveals that, without hearing the parties herein, the Trial Court has allowed Interim Application No.129 of 2015 in

Petition No.A-1289 of 2015 filed by the respondent-wife. By the impugned Order, the petitioner has been directed to pay monthly maintenance of Rs.70,000/- per month to the wife and Rs.30,000/- per month to the minor daughter towards interim maintenance from the date of the application till further Orders.

2] As the impugned Order was passed without hearing the parties hereto, the said Order needs to be set-aside and is accordingly set-aside.

3] Interim Application No.129 of 2015 in Petition No.A-1289 of 2015 is restored to the file of the learned Judge of the Family Court No.6, Bandra, Mumbai, for its hearing afresh.

4] The parties herein are directed to either personally or through their Advocate(s) remain present on the next date of hearing without any excuse in that behalf. The parties shall appear before the Family Court on 4th December 2019 at 10.30 am.

5] Petition is disposed off in the aforesaid terms.

6] The record further indicates that, in pursuance of Order dated 17th January 2019 passed by this Court, the petitioner-husband has deposited a sum of Rs.45,00,000/- in the Registry of this Court. The

aforestated Interim Application No.1 of 2019 has been filed by the respondent-wife for withdrawal of the said amount. As Interim Application No.129 of 2015 has been remanded back before the Family Court No.6, Bandra, Mumbai, for its hearing afresh, it will be appropriate to transfer the said amount of Rs.45,00,000/- in the Registry of the Family Court, who is seized of the Interim Application No.129 of 2015.

7] After its transfer to the Family Court, the respondent-wife is permitted to withdraw an *ad hoc* amount of Rs.10,00,000/- out of the total amount of Rs.45,00,000/- deposited by the petitioner-husband. It is needless to mention that, withdrawal of the said amount of Rs.10,00,000/- by the respondent is without prejudice to the rights and contentions of both the parties to be agitated. At the time of disposal of the said Interim Application No.129 of 2015, the learned Judge of the concerned Family Court will give due credit to the withdrawal of the said amount of Rs.10,00,000/- by the respondent-wife.

8] The learned Judge of the Family Court No.6, Bandra, Mumbai, is requested to make an endeavour to dispose off the said application as expeditiously as possible and preferably within a period of three months from the date of receipt of this Order.

9] The Registrar/Nazir of this Court is hereby directed to transfer the said amount of Rs.45,00,000/- deposited by the petitioner in pursuance of Order dated 17th January 2019 passed by this Court in the Registry of the Family Court at Bandra within a period of 7 working days from the date of receipt of the present Order.

10] Writ Petition along with Interim Application are disposed off in the aforesaid terms.

11] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]