

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.2147/2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Raju M. Yamgar for the Petitioner Mrs. Usha Y. Thakur for Respondent No.1.

CORAM : K.K.TATED, J.
DATED : JULY 19, 2019

P.C.

1 Heard. By this petition under Article 227 of the Constitution of India, the Petitioner husband is challenging the interim order dated 06.02.2013 passed by the Family Court, Thane below Exhibit- 12 in Petition No.A-229/2011 (Old M.P.No.514/2008) directing the Petitioner to pay maintenance of Rs.5000/- pm to the Respondent wife from the date of filing the application i.e. 25.11.2008 till further orders.

2 The learned counsel for the Petitioner submits that the Respondent wife has already filed Execution Application for recovery of the amount. He submits that during pendency of the present petition, the Family Court,

Thane has decided the Petition NO.A-229/2010 by its judgment and decree dated 23.08.2017. He submits that the Trial Court, in paragraph 58 recorded about the payment and maintenance charges. Para 58 reads thus:

“58. Admittedly, both parties are working. They have not disclosed their income. Both are liable to maintain child proportionate to income. The child must be around 12 years old. It can be inferred from the record that parties belong to middle economical class. The Hon’ble High Court had directed Petitioner to continue paying the maintenance of Rs.5000/- in the year 2013. There is nothing on record to change the said quantum. Therefore, in my opinion, Rs.5000/- per month for the maintenance of child will be sufficient to meet the ends of justice.”

3 The learned counsel for the Petitioner submits that in view of the subsequent development the Petitioner may be permitted to withdraw the present petition with liberty to press their objection in the Execution Application, which is pending for hearing. To that effect, he has given in writing. Same is taken on record and marked “X” for identification.

4 At this stage, the learned counsel for the Respondent has filed some case-laws i.e. 2016 SCC OnLine P & H 12523, (2017) 15 SCC 801, 2001 DGLS(AHC) 5564, LEX (DLH) 2007 4 146. As the Petitioner has already given in writing for withdrawal of the Writ Petition itself, there is no question of going through the said case-laws filed by the advocate for the Respondent.

5 Writ Petition stands disposed of as withdrawn. No order as to costs.

6 The Writ Petition stands disposed of as withdrawn with liberty as prayed for.

7 No order as to costs.

(K.K.TATED, J.)