

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

**CIVIL APPLICATION NO. 254 OF 2019
IN
FAMILY COURT APPEAL NO. 45 OF 2012**

Mrs. Javer Ramesh Gindra	..Applicant.
Versus	
Mr. Ramesh Aashdhir Gindra	..Respondent.

Mr. Siddhesh Pawar i/b. Madhavi M. Pillai, for Applicant.
Mr. Harish R. Pawar, for Respondent.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATED : 27th November, 2019.**

PC :

1. Heard the learned Counsel for the parties.
2. By this Civil application, the applicant/wife is seeking direction to take action against the respondent/husband for violating the order dated 15/03/2018 passed by this court in Civil Application No. 42 of 2018 for non payment of maintenance charges in time.
3. Today, learned Counsel Mr. Harish Pawar appearing on behalf of the respondent/husband has filed affidavit-cum-undertaking of the respondent dated

26/11/2019 stating that the respondent undertakes to pay maintenance of Rs.7500/-, as per earlier order passed by this court, to the applicant on or before 10th of every English calendar month by RTGS and/or by NEFT in the account of the applicant.

4. Learned Counsel for the respondent/husband submits that, respondent himself is present in the court. The respondent entered into the witness box. He admitted the execution of undertaking and the contents thereof. The same is taken on record and marked 'X' for identification. The same is accepted.

5. In view of the undertaking given by the respondent that he will make payment within time as per earlier order dated 15/03/2018, in Civil Application No.42 of 2018, nothing survives in the present Civil Application.

6. At this stage, learned Counsel appearing on behalf of the respondent submit that, this court by order dated 03/09/2015 expedited the hearing of Family Court Appeal No. 45 of 2012. He further submit that, the Family Court Appeal is ready for hearing and final disposal.

7. Considering these facts, following order is passed:

a) In view of the undertaking given by the respondent dated 26/11/2019, nothing survives in the present Civil Application. Hence, Civil Application No.254 of 2019 stands disposed of as unfructuous.

b) Registry is directed to place Family Court Appeal No.45 of 2012 for final hearing as per its turn in expedited matters in weekly board, commencing from 13/01/2020.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)
