

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

**CIVIL APPLICATION NO. 90 OF 2019
IN
FAMILY COURT APPEAL NO. 156 OF 2019**

Mohammad Shabbir Mohammad
Shaha Shaikh ..Applicant.
Versus
Irfana Mohammad Shabbir Shaikh ..Respondent.

Mr. Dhiraj C. Gole for Appellant.

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

PC :

1. Heard the learned counsel for the applicant.
2. By this Civil Application, the applicant is seeking stay of the impugned Judgment and Decree dated 12/09/2017 passed by the Family Court, Pune in Petition No.A-153 of 2013 to the extent of payment of maintenance charges of Rs.2 lakhs each to both the children.
3. Learned counsel for the applicant submit that, there is urgency in the present matter because the respondent has filed execution application, in which, the Family Court

has issued distress warrant. He further submit that the next date before the Family Court is 09/12/2019.

4. Considering the submissions made by the learned counsel for the applicant, the averments made in the civil application and the order dated 12/09/2017, in the interest of justice, following order is passed:-

a) The operation and implementation of impugned Judgment and Decree dated 12/09/2017 passed by the Family Court, Pune, in Petition No. A-153 of 2013 to the extent of recovery of maintenance charges, is stayed on condition that, the applicant to deposit 50% amount before the Family Court, Pune, on or before 05/12/2019.

b) It is made clear that, if the amount is not deposited, the Trial court can proceed with the matter on its own merit.

c) If amount is deposited before the Trial Court, the respondent is permitted to withdraw the said amount, subject to outcome of the present appeal.

5. The Civil Application stand disposed of accordingly.

6. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)
