

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

WRIT PETITION NO.2023 OF 2021

Akshay s/o Arunkumar Bamb Petitioner

Vs.

Sapna Akshay Bamb alias Sapna Respondent
Vijay Bhansali

WITH

WRIT PETITION NO.5387 OF 2021

Sapna Akshay Bamb Petitioner

Vs.

Akshay Arunkumar Bamb Respondent

Mr. Amitkumar D. Sale for Petitioner in WP No. 2023 of 2021 and for Respondent in WP No. 5387 of 2021.

Mr. Abhijit D. Sarwate a/w Ajinkya Udane for Petitioner in WP No. 5387 of 2021 and for Respondent in WP No. 2023 of 2021.

Coram : NITIN W. SAMBRE, J.

Date : 17TH NOVEMBER, 2021

P.C.:

WRIT PETITION NO.2023 OF 2021 :

1. Counsel for the Petitioner-husband, in view of change in circumstance, i.e. loss suffered in the business in pandemic, liability incurred in regard to the bank loan, default committed in repayments, seeks to move for modification of the impugned order before the Court below seeks leave to withdraw the petition. That being so, Writ Petition No. **2023 of 2021** is allowed to be withdrawn, as prayed. Disposed of accordingly.

2. If such application is moved, the Family Court shall decide the same on its own merits without being influenced by the withdrawal of this Petition as Court has not appreciated the merits of the matter.

3. In the meantime, the amount deposited towards the arrears of maintenance is permitted to be withdrawn by the Respondent-wife.

WRIT PETITION NO.5387 OF 2021:

1. This Petition is by Petitioner-wife seeking enhanced maintenance based on the income of Respondent-husband, which is determined by the Family Court to the tune of Rs.1,00,000/- per month.

2. My attention is also invited to the steps taken by the Respondent-husband viz. creation of third party interest in the property, so as to frustrate the claim for grant of maintenance.

3. Mr. Sale, learned counsel for the Respondent in this petition submits that he shall be tendering his response to the said petition and shall file affidavit-in-reply by 16th December, 2021. Rejoinder if any, be filed one week thereafter.

4. Adjourned to **21st December, 2021.**

(NITIN W. SAMBRE, J.)

Note : Corrected as per speaking to minutes of order dtd. 21st December, 2021.