

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

Amk

**FAMILY COURT APPEAL NO. 169 OF 2019
WITH
CIVIL APPLICATION NO. 262 OF 2019**

Bhavin Bhupendra Parekh

.. Petitioner

Vs.

Avni Bhavin Parekh

.. Respondent

Ms. Seema Sarnaik for the Petitioner.

Mr. Prathamesh Bhargude for the Respondent.

CORAM : R. D. DHANUKA & V. G. BISHT, JJ.
DATE : 19th JANUARY, 2021.

P. C. :

1. Ms. Seema Sarnaik, learned Counsel for the Appellant invited our attention to order dated 12.03.2020 passed by this Court directing the Appellant to clear 50% arrears of the maintenance charges on or before 31.03.2020 and to clear remaining 50% maintenance charges payable to the Respondent-wife on or before 15.04.2020. She fairly invited our attention to Clause (c) of the order that if there is any default in payment of maintenance charges, the Family Court Appeal shall stand dismissed for non compliance of the order passed by this Court.

2. Learned Counsel states that her client has not complied with the conditional order passed by this Court on 12.03.2020 till date and as a result thereof the Family Court Appeal No. 169 of 2019 filed by her client has stood dismissed. Learned Counsel tenders a letter dated 07.10.2020 addressed by the Appellant to learned Counsel for the

Appellant instructing to withdraw the Family Court Appeal and the interlocutory applications. Letter tendered by the learned Counsel is taken on record.

3. In view of the fact that the Family Court Appeal has stood dismissed in view of the Appellant not having complied with the conditional order passed by this Court on 12.03.2020, we are not inclined to permit the Appellant to withdraw the proceeding filed by him. The Respondent would be at liberty to execute the order passed by this Court as well as the Family Court.

4. In view of dismissal of the Family Court Appeal, Interim Application pending, if any, stands disposed of.

[V. G. BISHT, J.]

[R. D. DHANUKA, J.]

Arjun
M.
Kadam

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by Arjun M.
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