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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12432 OF 2017

Sonila Suresh Prasad Gupta

PETITIONER

VERSUS

Amit Kumar Ramesh Prasad and Others

RESPONDENTS

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Mr. Rashmi Kulkarni h/f Mr. S.S. Kulkarni, Advocate for petitioner
Mr. R. P. Adgaonkar, Advocate for respondent No.1

...

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th JUNE, 2022

ORDER :

1. This petition filed under Article 226 and 227 of the Constitution of India, challenges the judgment and decree passed by the District Judge- 4, Nanded in Miscellaneous R.J.E. No. 86 of 2017 (Annexure-P-1).

2. The challenge raised in this petition does not survive in view of the order passed by the Hon'ble Apex Court in Civil Appeal No. 10771 of 2018 (@ SLP © No. 21786 of 2018) dated 26th October, 2018.

3. In paragraph No. 21 of the said order, the Apex Court has held thus -

“We are, thus, of the unequivocal view that the interference by the learned Single Judge, vide impugned order dated 25.07.2018, was unjustified, and the order of the Family Court dated 9.12.2016 was in order”

4. By relying on the observations in paragraph No. 18 of the order, learned advocate for the petitioner submits that this petition be admitted so that in case of any change in circumstances, modification can be sought by the petitioner.

5. In paragraph No. 18, it is observed;

“We may hasten to add that it is not as if there can be no eventuality where such terms may require modification, but that would arise if the interests of the children so desire, and more specifically if the appellant had failed to honour his commitments, or look after the children.”

6. At this stage, no such modification appears to be necessary. The petitioner is at liberty to seek modification, as and when such eventuality arises.

7. With these observations and liberty as aforesaid, writ petition is disposed of.

**[NITIN B. SURYAWANSHI]
JUDGE**