

JPP

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

***FAMILY COURT APPEAL NO. 57 OF 2010
with
FAMILY COURT APPEAL NO. 58 OF 2010***

Sandeep Sabarwal
V/s.

... Appellant

Sheetal Sabarwal

... Respondent

Mr. Pratik Irpatgire i/b. Mr. Subhash Jadhav Legal for the Appellant
in both Appeals

Ms. Pooja Jalan i/b. Haresh Jagtiani & Associate for the Respondent
in both Appeals

***CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.***

DATE : 09 NOVEMBER 2022

P.C. :-

Both these Appeals have been filed by the husband of the Respondent challenging the order passed by the Family Court, Bandra, Mumbai holding the proceedings filed by the Respondent – wife to be maintainable and directing to proceed further.

2. In Appeal No. 57 of 2010, the challenge is to the order passed below Exhibit -1 in Petition B – 65 of 2009 filed by the Petitioner dated 10 November 2009. In Appeal No. 58 of 2010, the Appellant has challenged the order dated 10 November 2009 passed below Exhibit -1 in Petition M.A. No. 170 of 2009. By these

Petitions the Respondent – wife had sought a declaration that she should be released from certain undertakings in the agreement entered into between the parties on 10 March 2009 and had sought maintenance for herself and the child.

3. The Appeals are admitted. When the Appeals came up for hearing today, the learned Counsel for the Respondent states that the instructions have been received that the Respondent does not wish to prosecute both the main proceedings in which the impugned orders are passed. In the light of the statement, the question of maintainability would not survive. The learned Counsel for the Respondent states that the Respondent would be making an application for withdrawal of these proceedings shortly as the instructions have been received only today.

4. Accepting the statement made by the learned Counsel for the Respondent on instructions, we dispose of the Appeals as infructuous.

5. However, if the proceedings are not withdrawn by the Respondent as above within a period of six months from today, we grant liberty to the Appellant to revive the Appeals by filing a pursis/ affidavit.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.