

Urmila Ingale

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

WRIT PETITION NO. 7210 OF 2021

Mihir Chandrakant Somaiya ..Petitioner
VS.
Poonam Mihir Somaiya ..Respondent

Mr. Prashant Pandey a/w Ms. Vijayalaxmi Shetty, Mr. Irfan Unwale and Mr. Darshit Jain i/b W3 Legal LLP, for petitioner.
None for the respondent.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 18, 2022

P.C. :

1. Heard learned counsel for the petitioner. From the record, it is seen that despite service, the respondent has not appeared in this Court. Learned counsel for the petitioner submits that he has no objection to that part of the order where the Family Court has granted maintenance of Rs.20,000/- per month to the child. He is aggrieved by maintenance of Rs.30,000/- to the wife, primarily on the ground that when the application was listed, for genuine reasons, he could not remain represent. It is his

submission that he was under the impression that the matter could not be proceeded with before the Family Court in view of the Covid situation.

2. In this view of the matter, learned counsel for the petitioner submits that he would apply to the Family Court for setting aside order dated 21/08/2021 which is an exparte order, as for some genuine reasons, he could not remain present.

3. The application for setting aside exparte order will be made by the petitioner within a period of one week from today. If such an application is made, the same be heard in accordance with law.

4. Learned counsel for the petitioner submits that he has no objection for the maintenance to the child @ Rs.20,000/- per month. To secure interest of the respondent who is not appearing despite service of the notice, the petitioner is directed to deposit Rs.2,50,000/- with the Family Court within a period of four weeks from today which will be without prejudice to the rights and contentions of the either parties and it will abide by the final

order of the Family Court on the application for setting aside the exparte order or otherwise.

5. I may not be understood to have made any observations on merits. The Family court to decide the application on its own merits and in accordance with law.

6. In case such an application is not made for setting aside the order dated 21/08/2021 within a period of one week from today, the order of the trial Court dated 21/08/2021 shall stand. The impugned order of the Family Court not to be acted upon till the decision on the exparte application, if made within the time specified hereinabove.

7. The writ petition is disposed of. No costs.

(M. S. KARNIK, J.)