

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4758 OF 2023
IN
FAMILY COURT APPEAL NO.64 OF 2022

Leena Rahul TupeApplicant/Appellant

V/s.

Rahul Ramdas Tupe ...Respondent

Mr. Yuvraj P. Narvankar i/b Mr. Rahul P. Kasbekar for Applicant/Appellant.
Mr. Prashant Aher a/w Mr. Shantibhushan Nirmal a/w Ms Sneha
Kamnathan and Mr. Vipul Patil i/b Profess Law Associates for Respondent.

**CORAM : K.R. SHRIRAM &
MILIND N. JADHAV, JJ**
DATED : 7th JULY 2023

P.C. :

1 This interim application is taken out for a clarification that this court while disposing the Family Court Appeal No.64 of 2022 vide order dated 13th July 2022, has not make any observation regarding Writ Petition No.9110 of 2022.

2 On 13th July 2022, the following order came to be passed:

“1 No orders. Matter to come up in due course. Ad-interim stay refused.

2 Appellant shall not inform the Trial Court because the appeal is pending, the Trial Court shall not go on with the matter. We repeat, the stay has been refused.

3 At this stage, Mr. Shah seeks leave of the court to withdraw the Family Court Appeal with liberty to raise all issues including the maintainability of the counter claim in the written statement to be filed to the counter claim.

4 Appeal dismissed as withdrawn with liberty as prayed for.

5 In view of the withdrawal of the appeal, interim application does not survive and accordingly disposed.”

3 The court was not aware that there was a writ petition being Writ Petition No.9110 of 2022 pending between the parties. On 12th April 2023, when the said writ petition came up before a Learned Single Judge of this Court, a doubt cropped up as to whether in view of what is stated in paragraph 3 of the order dated 13th July 2022, the said Writ Petition No.9110 of 2022 also came to be disposed.

4 We clarify that we have not made any observations on the Writ Petition No.9110 of 2022. The court may consider / dispose the writ petition on its own merits.

5 Interim application disposed. No order as to cost.

(MILIND N. JADHAV, J.)

(K.R. SHRIRAM, J.)