

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 15 OF 2023
WITH
INTERIM APPLICATION NO. 1847 OF 2023
IN
FAMILY COURT APPEAL NO. 15 OF 2023**

Deven Shashikant Padhya

... Applicant/
Appellant

vs.

Ketty Deven Padhya Alias Pinky D. Padhya ... Respondents

Ms. Manjari Shah a/w. Ms. Shaili Muzumdar i/b. Ms. Kanchan
Pamnani for the Applicant/ Appellant.

Mr. Gauraj Shah i/b. Ms. Savina Bangera for the Respondent.

CORAM : R. D. DHANUKA &

GAURI GODSE, JJ.

DATED : 23 MARCH, 2023

P.C. :-

1. Heard learned counsel for the parties. This Appeal is filed under Section 27(1)(d) of the Special Marriage Act, 1954 whereby divorce petition filed by the Appellant came to be dismissed by judgment dated 29th December, 2022.

2. Admit. Mr. Shah, learned counsel for the Respondent waives service. Hearing is expedited. Printing is dispensed with.

3. Appellant to file private paper book within six months from today with copy to be served upon Respondent's Advocate simultaneously.

4. Office to call for record and proceedings from the Family Court No. 6, Bandra, Mumbai in Petition No. A-2809 of 2011 expeditiously.

Interim Application No. 1847 of 2023

1. By this Interim Application, the Applicants seeks stay to the effect, operation and execution of the judgment dated 29th December, 2022 / 13th January, 2023.

2. The Family Court has passed an order directing payment of maintenance amount of Rs. 2,00,000/- per month to the Respondent from the date of filing of the Petition while dismissing the divorce petition filed by the Appellant.

3. We have been informed by Ms. Shah learned counsel for the Appellant that in pursuance of the interim order passed by the Family Court on 8th January, 2016 below Exh.6 in Interim Application No. 6 of 2013, the Appellant has been paying maintenance @ Rs. 1,00,000/- per month to the Respondent

from the date of order till disposal of the Petition. By the said order the Appellant was directed to pay amount of Rs.1,00,000/- to the Respondent on or before 10th of every month by bank transfer or other modes. Respondent was directed to hand over the rent receipt to the Petitioner after payment of rent to the landlord.

4. As an by way of ad-interim order, we continue the ad-interim order dated 8th January, 2016 passed by the Family Court in Interim Application No. 6 of 2013 till the Interim Application No. 1847 of 2023 is decided. The date for making such payment would be as directed by the said order dated 8th January, 2016. Both the parties have agreed to file affidavit disclosing their income and expenditure as per the Supreme Court order in the Case of *Rajnish vs. Neha and Anr.*¹ in Criminal Appeal No. 730 of 2020 decided on 4th November, 2020 within two weeks from today with copies to be served simultaneously on the Advocates of contesting parties.

5. It is made clear that payment of Rs. 1,00,000/- which has been made by the Appellant shall be accepted by the

¹ (2021) 2 SCC 324

Respondent and would be subject to the final order to be passed in the Interim Application.

7. There shall be ad-interim order in terms of prayer clause (b).

8. Place the matter on 6th June, 2023, High on Board. Both the parties shall not seek adjournment on that date.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)