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

**INTERIM APPLICATION NO. 3506 OF 2021
IN
FAMILY COURT APPEAL NO. 83 OF 2010**

Mildred Stanley Pereira ...Applicant

In the matter between:

Mildred Stanley Pereira ...Appellant

Versus

Stanley Victor Pereira ...Respondent

**ALONG WITH
INTERIM APPLICATION NO. 3509 OF 2021
IN
FAMILY COURT APPEAL NO. 34 OF 2015**

Stanley Victor Pereira ...Applicant

Versus

Mildred Stanley Pereira ...Respondent

**WITH
INTERIM APPLICATION NO. 3507 OF 2021
IN
FAMILY COURT APPEAL NO. 83 OF 2010**

Mildred Stanley Pereira ...Applicant

Versus

Stanley Victor Pereira ...Respondent

**WITH
CROSS OBJECTION STAMP NO. 1 OF 2017
IN
FAMILY COURT APPEAL NO. 83 OF 2010**

Mildred Stanley Pereira ...Applicant

Versus

Stanley Victor Pereira

...Respondent

**WITH
CONTEMPT PETITION (ST) NO. 24956 OF 2019
IN
FAMILY COURT APPEAL NO. 83 OF 2010**

Stanley Victor Pereira

...Applicant

Versus

Mildred Stanley Pereira

...Respondent

**WITH
INTERIM APPLICATION NO. 81 OF 2019
IN
FAMILY COURT APPEAL NO. 34 OF 2015**

Stanley Victor Pereira

...Applicant

Versus

Mildred Stanley Pereira

...Respondent

Mr. R.T. Lalwani a/w. Ms. Sadhana Jaykar-Lalwani, Mr. J. K. Shah, Ms. Pooja Shah and Mr. Abhijit Pawar i/b RJ Law for Appellant in FCA and Applicant in IA 3506/2021 and IA 3507/2021

Mr. A. B. Avhad a/w Mr. M. V. Rawool for Respondent in FCA and Applicant in IA 3509/2021 and IA 81/2019 and for Petitioner in CPST 24956/2019

**CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.**

DATED : 31 MARCH 2023

P.C. :

1. This matter was on board on 24th March 2023, when this Court directed the Respondent-husband to pay a sum of Rs. 5,40,000/- towards arrears of maintenance to the Applicant-Wife without prejudice to the rights and contentions of both the

parties. Mr. Avhad, learned counsel for Respondent-husband tenders across the bar a cheque of Rs. 5,40,000/- which is handed over to Mr. Lalwani learned counsel for the Applicant-wife.

2. It is made clear that the amount paid by the Respondent is subject to the order that would be passed by this Court in Interim Application No. 3509 of 2021 filed by Respondent for modification of the order granting maintenance. Learned counsel for Respondent-husband on instructions undertakes that the cheque that is issued in favour of Applicant-wife would be honoured on presentation. Undertaking is accepted.

3. This Application is filed by the Applicant for directing the Respondent to re-imburse the amount of fees that was already paid by the Applicant for the fees of their son who is studying Bachelor of Engineering (IT Course). The Respondent has filed affidavit opposing the said prayer. However, after arguing the Application for some time, learned Advocate for Respondent on instructions from Respondent, who is personally present in the Court, states that Respondent is ready and willing to re-imburse the amount of education fees for their son.

4. Learned Advocate for the Applicant states that till now the

Applicant has already paid the amount of Rs. 4,50,000/- towards the fees for the engineering course for their son as well as Rs. 69,000/- for the purpose of purchasing the laptop. Learned Advocate for the Applicant states that fees for the last year of the engineering course is yet to be paid in the month of June 2023.

5. Learned counsel for Respondent on instructions states that amount of Rs. 4,50,000/- already spent by the Applicant will be paid by the Respondent within a period of two months from today by making a direct on-line bank transfer in the account of the Applicant. He further states that so far as the fees for the last year of the engineering course is concerned, Respondent will directly make a payment towards the fees in the college as and when the amount is due and payable. Necessary details with respect to payment of last year's fees will be intimated by the learned counsel for the Applicant to the learned counsel for Respondent. On such an intimation, Respondent agrees and undertakes to make payment directly to the college. After making payment of the fees directly to the college, Respondent shall supply necessary receipt to the Applicant.

6. In view of the aforesaid statement made by learned

counsel for Respondent on instructions of Respondent who is personally present in the Court, no further orders are necessary in the Application. Interim Application No. 3506 of 2021 is disposed of in the above terms.

7. Hearing of the Family Court Appeal is expedited. List the Family Court Appeal along with Interim Application No. 3509 of 2021 and other connected matters on 9th June 2023 for directions.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)