



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3812 OF 2021

Garima Ashok Kapoor

...Petitioner.

Versus

Ashok Kishorilal Kapoor.

..Respondent.

Mr. Ajay Panicker and Mr. Ramesh Mandal i/b Ajay Law Associates for the petitioner.

Ms. Manjula Rao i/b Mr. Rohan Deshmukh for the respondent.

Coram : Sharmila U. Deshmukh, J.

Date : December 15, 2023.

P. C. :

1. Petition has been preferred against the order of rejection of interim maintenance, dated 6th May 2021. This court is informed that the matter is now fixed for cross-examination of petitioner. As such, I am not inclined to interfere with the order of rejection of interim maintenance.

2. Another submission canvassed is that by the impugned order, trial court has foreclosed submissions of the petitioner as regards the maintenance which would come in his way at the time of final argument. It is, therefore, clarified that the observations of trial court are only *prima facie* observations made for the purpose of considering

the issue of interim maintenance and is a *prima facie* assessment of the comparative positions of parties. After evidence has been led, the position would become clear from cross examination of the parties. As such the trial court is requested to decide the matter on its own merits, uninfluenced by the observations made by it in the impugned order.

3. Petition is dismissed with above clarification.

[Sharmila U. Deshmukh, J.]