
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.149 OF 2018
ALONG WITH
FAMILY COURT APPEAL (L) NO.25931 OF 2018
ALONG WITH
CIVIL APPLICATION NO.302 OF 2018
IN
FAMILY COURT APPEAL (L) NO.25931 OF 2018
ALONG WITH
INTERIM APPLICATION NO.58 OF 2020
IN
FAMILY COURT APPEAL NO.149 OF 2018
ALONG WITH
INTERIM APPLICATION NO.59 OF 2020
IN
FAMILY COURT APPEAL (L) NO.25931 OF 2018
ALONG WITH
CIVIL APPLICATION NO.303 OF 2018
IN
FAMILY COURT APPEAL (L) NO.25931 OF 2018
ALONG WITH
CIVIL APPLICATION (STAMP) NO.26014 OF 2018
IN
FAMILY COURT APPEAL NO.149 OF 2018

Capt. (Retd.) Amarnath Madurai

...Appellant/Applicant

Versus

Mrs. Monica Amarnath & Anr.

...Respondents

Ms. Divya Parab *i/b. Jaideep Thakkar, for Appellant/Applicant.*

Mr. Abhijit Sarwate *a/w. Hardev Aidhen, Advocates for Respondent-Wife.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : FEBRUARY 16, 2024

P. C.

1. Family Court Appeal No.149 of 2018 is filed by the Appellant-Husband challenging the Judgment and Decree dated 27th April, 2018 passed by the Family Court in Marriage Petition No. P.A.No.995 of 2007. By the impugned Order, the Family Court rejected the Divorce Petition filed by the Appellant-Husband.

2. Family Court Appeal (Stamp) No.25931 of 2018 seeks to challenge the Judgment and Decree passed by the Family Court on 27th April, 2018 in P.B.No.22 of 2007 *inter alia* granting a permanent injunction against the Appellant-Husband *inter alia* from disturbing and evicting the Respondent-Wife and her children from Flat No.202, Fellicium, Niyati Estate, Mohomad Wadi, Pune.

3. The Learned Counsel appearing on behalf of the Respondent-Wife has today informed the Court that the Appellant-Husband has passed away on 29th December, 2020. He has also submitted to the Court the death-certificate of the Appellant-Husband. This fact is also admitted by the Advocate for the Appellant-Husband. In these

circumstances, the death-certificate of the Appellant-Husband is taken on record and marked 'X' for identification.

4. In view of the fact that the Appellant-Husband has now passed away, nothing survives in the above Appeals and they are disposed of accordingly. However, there shall be no order as to costs.

5. In view of the disposal of the above Appeals, nothing survives in the above Interim Applications and the same are also disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]