

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

WRIT PETITION NO.2651 OF 2018

Reema Talwar Aich And Anr

...Petitioners

Versus

Abhishek Aich And Ors.

...Respondents

Mr. Sanjay Bhojwani a/w. Mr. Naresh Parihar for Petitioners.

Ms. Sai S. Jadhav for Respondent Nos.1 and 2.

Ms. Shilpa Gajare, APP for Respondent No.3.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 28th FEBRUARY, 2024

P. C. :

1. Heard Mr. Sanjay Bhojwani a/w. Mr. Naresh Parihar for Petitioners, Ms. Sai S. Jadhav for Respondent Nos.1 and 2 and Ms. Shilpa Gajare, APP for Respondent No.3.

2. During the course of hearing it was brought to the notice of this Court that an Application has been filed by respondent- husband seeking modification of the order of the Trial Court and counter Application has been filed by the petitioner- wife seeking enhancement of maintenance due to subsequent development of her being unemployed. The said application is pending for adjudication before the Trial Court.

3, The challenge is to the order of the Appellate Court reversing the order of Trial Court of grant of maintenance to the petitioner wife.

4. By order dated 4th October 2019 this Court had granted ad-interim relief in terms of prayer clause (iii) continuing the order of the Trial Court till hearing and final disposal of the petition

5. Considering the subsequent development which has taken place, I am inclined to extend the order of 4th October 2019 by which the order of Trial Court is continued till the adjudication of the modification Application and counter Application filed. It needs to be noted that even if the petitioner-wife is held not to be entitled to any maintenance, it cannot be denied that the child would be entitled to maintenance and any amount which has been paid pursuant to the orders of this Court, the same can be adjusted against the amount payable under order of Trial Court, if any.

6. Petition stands disposed of in the above terms.

7. Needless to clarify that all rights and contentions of both the parties are expressly kept open.

(SHARMILA U. DESHMUKH, J.)