

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9565 OF 2023

Avinash Dhanorkar

..... Petitioner

VERSUS

Urvashi Dhanorkar

..... Respondent

ALONGWITH

CRI. WRIT PETITION NO. 186 OF 2023

Urvashi Dhanorkar

..... Petitioner

VERSUS

The State of Maharashtra & Anr.

..... Respondents

Mr. Himanshu Nagarkar for the Petitioner.

Ms. Kimaya Prajapati for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 28 MARCH, 2024

P.C. :-

Writ Petition No. 9565 of 2023 challenges the impugned order dated 24 July, 2023 passed below Order 17 in the pending Petition No. C-34 of 2022.

2. Petition No. C-34 of 2022 is filed by the wife before the Family Court, Bandra seeking maintenance from the husband and

This order is corrected as per Speaking to Minutes of the order dated 8 April, 2024.

for minor son. In the said petition filed before the Family Court, the husband filed an application (Ex.17) thereby seeking a restrain order against the wife.

3. I have heard both the sides and I have gone through the documents on record. Suffice will be the purpose if this writ petition is disposed of with certain directions.

4. Writ Petition No. 9565 of 2023 is disposed of with following directions :-

(i) The wife is hereby restrained from making any complaint against the husband to the place of his employment.

(ii) The husband who has been directed to pay a sum of Rs.15,000/- per month to the wife and a sum of Rs.15,000/- to the youngest son 'Eklavya' who is in the custody of the wife, the husband will continue this arrangement from today for the

period of a year.

(iii) The said arrangement will continue till any order is passed on merits by the Family Court in the maintenance application filed by the wife.

(iv) The hearing of the Petition No. C-34 of 2022 and hearing of Petition No. E-115 of 2022 is hereby expedited.

(v) Both the parties through their counsel have undertaken to this Court that they will co-operate with the hearing of both the petitions and will not seek unnecessary adjournments. Undertaking is accepted.

(vi) Since the husband has already filed reply/written statement to Petition No. C-34 of 2022 and Petition No. E-115 of 2022, the matters

can be proceeded for arguments.

(vii) Both the parties if they have not filed affidavit of assets and liabilities as per the directions of the Supreme Court in the judgment of ***Rajnesh vs. Neha*** reported in ***(2021) 2 SCC 324***, they will immediately file the same within a period of two weeks from today before the Family Court, and serve a copy on the other side.

(viii) The parties are permitted to make an application before the Family Court to prepond the hearing of Petition No. C-34 of 2022 and Petition No. E-115 of 2022.

(ix) The husband is permitted to accompany the wife during the time of visit to the doctor in Nair Hospital and to the further treatment as suggested by the Nair Hospital as regards the child

‘Eklavya’.

(x) In the mutual interest of the child ‘Eklavya’, both the parties will not create unnecessary dispute and will follow the advice of the doctor of Nair Hospital as regards to his medication and therapy as suggested by the doctors of Nair Hospital.

5. Mr.Nagarkar also submits that since both the matters have been worked out, the wife can issue a letter to the authorities so that any misunderstanding which might have been created due to the earlier communication can be clarified.

6. The wife (if) is of the opinion that such kind of letters can be addressed by her, she is free to do so.

7. The Family Court should hear the interim maintenance petition on its own merits since this Court has not decided the

above petitions on merits.

8. Writ Petition No. 9565 of 2023 is disposed of along with Criminal Petition No. 186 of 2023.

[RAJESH S. PATIL, J.]