

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4943 OF 2024

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Ameya Dewoolkar

..... Petitioner

VERSUS

Dia Ameya Dewoolkar

..... Respondent

Mr.Prashant P. Kulkarni a/w. Ms.Rachna Mamnani for the
Petitioner.

CORAM: RAJESH S. PATIL, J.

DATE : 4 APRIL, 2024

P.C. :-

The petitioner husband has challenged the interim maintenance order passed by the Family Court, Mumbai, thereby directing the husband to pay interim maintenance to the wife at the rate of Rs.10,000/- per month and to the daughter at the rate of Rs.10,000/- per month from the date of filing of the application i.e. 20 April, 2021 till the disposal of the main petition.

2. The outstanding amount as of today would be

Rs.7,00,000/-. However, learned counsel appearing for the petitioner/husband submits that out of the outstanding amount a sum of Rs.1,50,000/- has already been deposited in the Family Court at Mumbai.

3. Based on the statement made by the advocate for the petitioner, the outstanding as of today will be Rs.5,50,000/-.

4. In order to show his *bona fide*, the petitioner is directed to deposit a sum of Rs.5,50,000/- with the Family Court at Mumbai within a period of four weeks from today.

5. If such amount is not deposited within the stipulated period, writ petition to stand dismissed without further reference to Court.

6. Without prejudice to the rights and contentions of both the parties, the petitioner to continue to deposit in each succeeding month, the interim maintenance as directed by the impugned

order till further orders.

7. Subject to the petitioner depositing the outstanding amount of Rs.5,50,000/- with the Family Court at Mumbai, the following directions are passed :-

(i) Issue notice to the respondent, returnable on 2 May, 2024. Humdast is permitted.

(ii) Apart from the court notice, the applicant is also permitted to serve the respondent by private service, by all permissible modes of service and file affidavit of service before the next date of the hearing.

(iii) Subject to the petitioner depositing the outstanding amount within a period of four weeks, there will be *ad-interim* relief in terms of prayer clause (b) till the next date of the hearing. The said prayer clause (b) of the writ petition reads as under :-

(b) that pending the hearing and final disposal of the present petition, the implementation and execution of the order below Exhibit 7 in Interim Application No. 109 of 2021 dated 18th September 2023 passed by the Ld. Judge of Family Court no.4, Bandra Mumbai in the Interim Application No. 109 of 2021 be stayed.

8. If the petitioner fails to comply with the directions given above, the protection granted by this Court will automatically stands vacated.

[RAJESH S. PATIL, J.]