

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6528 OF 2024

Nilima Kumari

..... Petitioner

VERSUS

Sandeep Rao

..... Respondent

Ms.Anuradha Dixit i/b. Mr.Ruben Fernandes for the Petitioner.

Mr. Hrishikesh A. i/b. Mr.Santosh Chodankar for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 7 MAY, 2024

P.C. :-

This writ petition is filed by the wife challenging an order dated 26 April, 2024 passed by the Family Court, Mumbai.

2. By the impugned order, the Family Court had partly allowed the application Ex. 41. The Court had further directed the wife to give 50% summer vacation access of the minor daughter to the respondent from 1 May, 2024 till 20 May, 2024.

3. In paragraph (19) of the impugned order, the Court has

come to a finding that there is every possibility that the husband if granted summer vacation, access of the minor daughter and is permitted to take her to Hyderabad, then he may not return back as apprehended by the wife, on account of the husband's previous conduct and behaviour.

4. It is the case of the petitioner wife that there is an interim maintenance order passed by the Civil Judge, Junior Division (FTC), Gautam Buddh Nagar dated 20 March, 2022. As per the said order, the husband is directed to pay a sum of Rs.15,000/- per month for the expenses and maintenance of the daughter. As of today, nothing has been paid by the husband.

5. Mr. Hrishikesh A., learned counsel appearing for the respondent submits that the order passed by the Civil Judge, Junior Division (FTC), Gautam Buddh Nagar is under challenge by way of a review. He submits that his client is at present jobless.

6. I have heard learned counsel for both the sides and also sought response from the respondent husband's counsel whether his client is at all ready to deposit without prejudice some amount by way of maintenance towards his daughter. The counsel appearing for the respondent husband submits that except a sum of Rs.50,000/-, his client is not ready to deposit any more amount towards interim maintenance.

7. Having considered the documents on record and the impugned order more specifically paragraph no.19, as of now, I am satisfied that the execution of the impugned order dated 26 April, 2024, passed by the Family Court, Mumbai requires to be stayed till the next date of the hearing.

8. In case, there is any change in the circumstances, the parties are permitted to approach the Vacation Court.

9. Stand over to **14 June, 2024**.

[RAJESH S. PATIL, J.]