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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8414 OF 2024

Khushboo Ankit Rastogi

.....Petitioner

Vs.

Ankit Rajiv Rastogi

.....Respondent

Mr. Satyavan N. Vaishnav a/w Ms. Nupur J. Mukherjee, Mr. Armaan Grewal i/b M/s. N. N. Vaishnawa and Co. for the petitioner
Ms. Nerissa Almeida for the respondent

CORAM : GAURI GODSE, J.

DATE : 13th SEPTEMBER 2024

ORDER:

1. This petition is filed seeking directions to the Family Court to dispose of the application for interim maintenance. Since the parties had agreed to explore the possibility of settlement, the parties were referred for mediation.

2. Learned counsels appearing for the parties submit that mediation attempts have failed. Since the application is pending before the Family Court, I do not see any reason to exercise the powers under Article 227 of the Constitution of India for entertaining this petition.

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3. So far as prayer clause (a) seeking directions to the Family Court is concerned, there are no exceptional circumstances for issuing such directions. Hence, in view of the settled legal principles in the decision in the case of **High Court Bar Association, Allahabad Vs. State of U.P. and Ors¹**, prayers made in the petition cannot be entertained.

4. In order dated 10th July 2024, the statement made on behalf of the respondent is recorded regarding payment of ad-hoc amount. Paragraph 2 of the order dated 10th July 2024 reads thus:

“Learned counsel for the respondent submits that as per Rs. 20,000/- per month, approximately the amount would come to Rs. 6,80,000/-. She further on instructions submits that respondent will pay the amount of Rs. 2,50,000/- by directly transferring the amount to the petitioner to her bank account. She further submits that respondent will pay the balance amount of Rs. 4,30,000/- within a period of three months from today by directly transferring the amount to the petitioner’s account. She on instructions further submits that respondent will continue to pay amount of Rs. 20,000/- per month to the

¹ 2024 SCC OnLine SC 207

petitioner from the month of July 2024 by directly transferring the amount to the petitioner's account".

5. Learned counsel for the respondent submits that the amount of Rs. 2,50,000/- is already paid. She seeks further extension of time to pay balance amount of Rs. 4,30,000/-. She submits that respondent shall pay an amount of Rs. 1,00,000/- within one month from today. She submits that balance amount of Rs. 3,30,000/- shall be paid within three months from today.

6. In addition to the aforesaid payment, learned counsel for the respondent submits that respondent will continue to pay Rs. 20,000/- per month till the decision of the interim application filed in the Family Court.

7. The statement made on behalf of the respondent is accepted as an undertaking to this Court.

8. Writ petition is disposed of in the aforesaid terms.

[GAURI GODSE, J.]