

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11174 OF 2015

WITH

CIVIL APPLICATION NO.137 OF 2016

WITH

WRIT PETITION NO.11175 OF 2015

Leena James Manjali.

... Petitioner

Versus

James Jacob Manjali.

... Respondent

Mr. R. R. Salvi, Senior Advocate, i/b Suvarna Telgote for Petitioner.

Mr. James Jacob Manjali, Respondent, present in person.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 22, 2015

P.C. :-

1. Mr. R. R. Salvi, learned Senior Advocate for Petitioner, has today filed a parenting plan. He states that such parenting plan will also be filed before the Family Court within a period of one week from today. The statement is accepted as an undertaking to this Court. The respondent who appears in person, has also filed a parenting plan and states that the same will also be filed by him before the Family Court within one week from today.

2. Now that both the parties have agreed to file their respective parenting plans, the Family Court is directed to take an appropriate decision for the purposes of finalization of the same. The order, which the Family Court will eventually make in the matter of finalization of the parenting plan, will obviously override the interim order in the matter of access etc. Therefore, there is no necessity to make any further order in this petition. In taking decision on the parenting plan, however, the Family Court need not be influenced by any observations made in the interim order.

3. The learned Senior Advocate for the petitioner points out that the respondent is due and payable approximately an amount of Rs.80,000/- towards arrears of maintenance to the minor child. This is over and above the sum of Rs.2,00,000/- towards educational expenses. The respondent who appears in person, disputes this position. He submits that since the petitioner has breached certain interim directions, it is the petitioner who is due and payable an amount of Rs.85,000/- to the respondent. The respondent submits that there is order with regard to payment towards educational expenses of Rs.2,00,000/- as claimed by the petitioner. All these matters will obviously go into by the Family Court. For this purpose, both the parties are at liberty to take out appropriate applications seeking execution, if such applications have not already been made. The learned Senior Advocate for petitioner states that they will take out an application for execution within a period of two weeks from today. If such applications are made by both the parties,

the Family Court to dispose of them prior to taking up the issue of finalization of parenting plan. However, the Family Court is requested to expedite the proceedings. The Family Court should also consider making some interim directions, pending consideration of the execution applications.

4. All contentions of all parties are left open.
5. Both these petitions, as well as Civil Application, are disposed of.
6. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)