

SUPREME COURT OF INDIA

Madhavi Ramesh Dudani

Vs

Ramesh K. Dudani

(V. N. Khare and N.S. Hegde JJ.)

13.03.2000

ORDER

1. Delay condoned.

2. Leave granted.

3. Admittedly, the appellant and the respondent are wife and husband. The appellant filed a petition for judicial separation and other reliefs. In the said petition the appellant claimed interim maintenance. The Family Court partly allowed the application to the extent of the claim of interim maintenance in respect of the two minor daughters. As a counter-blast the respondent filed a petition in the Family Court for declaration that the marriage with the appellant was nullity. Against the said order refusing maintenance, the appellant filed a writ petition before the High Court of Bombay. The High Court was of the view that the marriage was a nullity and, therefore, the appellant was not entitled to any maintenance.

4. It is against the said decision, the appellant is in appeal before us. During the course of hearing, we are informed that both the petitions one filed by the appellant and the other by the respondent are yet to be decided on merits by the Family Court. Under the circumstances, it was not appropriate for the High Court to record any concluded opinion about the legal position of the marriage between the appellant and the respondent. Only on this short ground the judgment of the High Court deserves to be set aside. learned Counsel appearing for the respondent states that the respondent is prepared to pay a sum of Rs. 7,500/- (Rupees seven thousand five hundred only) to the appellant per month towards interim maintenance with effect from 1.3.2000. This is acceptable to the Counsel for the appellant: Consequently, the judgment under appeal is set aside. The appeal is allowed. The Family Court is directed to expedite the hearing in the aforesaid pending matters. There shall be no Order as to costs.

The interlocutory applications stand disposed of.