

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8898 OF 2015
IN
WRIT PETITION NO.1475 OF 2015

Sunitabai Dayasagar Surwase

PETITIONER

VERSUS

Dayasagar Prabhu Surwase

RESPONDENT

.....

Mr. S. S. Halkude, Advocate for the applicant

Mr. S. G.Chapalgaonkar, Advocate for the respondent

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 9th OCTOBER, 2015

ORDER :

1. This application has been moved for withdrawal of amount deposited by the petitioner in this court pursuant to order dated 17th February, 2015 passed in writ writ petition No. 1475 of 2015.

2. The order impugned in the writ petition refers to in paragraph No.53 as under-

“ 53. In said suit, it is nowhere recorded that plaintiff is not legally wedded wife of defendant. Moreover, defendant didn't contest the suit by filing W.S. It means that averments made in the plaint was admitted to defendant. Hence, on

the basis of the same, it can be said that plaintiff has prima facie proved her relationship with defendant.”

3. Under the premise, I deem it appropriate to grant the application. The application is allowed in terms of prayer clause “B” and stands disposed of.

[SUNIL P. DESHMUKH, J.]

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