

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 4657 OF 2008

Mahendra Sadashiv Surve

.. Petitioner

Vs.

Sulochana Sadashiv Surve

.. Respondent

None for the parties.

CORAM : **M.S.SONAK, J.**

DATE : **10th DECEMBER, 2015.**

P.C.

1. This petition is of the year 2008. By the impugned order dated 11.02.2008 the petitioner has been directed to pay maintenance @ Rs.3000/- to his mother.

2. Rule was issued in this petition on 20.07.2008. In so far as the interim relief is concerned, this Court, made the following order:

3. So far as the interim relief is concerned, the learned counsel appearing for the Petitioner makes a statement that he has deposited entire arrears up to May-2008 in the Family Court. The statement is accepted. The Respondent is allowed to withdraw this amount. In view of the above, interim relief in terms of prayer Clause (b) is granted subject to petitioner depositing an amount of Rs.2,500/- every month in the family Court during the pendency of the Petition, with effect from June-2008. Needless to mention that the Respondent is at liberty to withdraw the same.

3. Upon perusal of the impugned order, it cannot be said that the same suffers from any jurisdictional error. In any case the impugned order was to operate during the pendency of petition bearing No. E-430/07. At this point of time it is reasonable to proceed on the basis that the main petition has itself been disposed of. In any case, if the main petition is not

disposed of till date, the Family Court at Bandra is directed to dispose of such petition as expeditiously as possible and within the period of 4 months from the date of this order. Such direction is necessary, as by now, the respondent mother must be of a considerably advanced age. In the cause title to this petition which was instituted in the year 2008, the age of the respondent was indicated as 78 years. At this point of time there is no question of interference with the impugned order.

4. Accordingly this petition is dismissed. The amounts, which the petitioner may have deposited before the Family Court in terms of the interim order dated 20.07.2008, are directed to be paid to the respondent forthwith. The Family Court at Bandra taking up petition No. E-430/07 or the Principal Judge, Family Court, Bandra, in case the said petition has already been disposed of, to ensure that such amount is paid to the respondent forthwith. In case, the respondent has already withdrawn the amount, then obviously, there arises no question of payment of the same to the respondent. In case the petition is pending, the Family Court to ensure that the petitioner is paid the balance amount in terms of the impugned order to the respondent expeditiously and in any case within the period of 8 weeks from today.

5. Since neither the parties appeared in this Court, the Registry of this Court is directed to transmit the authenticated copy of this order to the Family Court, Mumbai taking up petition No. E-430/07 or in any case to the Principal Judge, Family Court, Bandra for necessary compliance within the period of 15 days.

6. All concerned to act on the basis of authenticated copy of this order.

(M.S.SONAK, J.)