

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3576 OF 2007

Subhash M. Patil .. Petitioner
vs.
Nilakshi S. Patil & anr. .. Respondents

None for both the parties.

CORAM : M. S. SONAK, J.
DATE : 17 DECEMBER 2015.

P.C. :-

- 1] Neither the parties nor their advocates are present.
- 2] However, considering that the petition is of the year 2007, it is appropriate that the same is decided on merits.
- 3] The challenge in this petition is to the order dated 15 June 2006 made by the Family Court, Mumbai granting maintenance at the rate of Rs.8000/- per month to the Respondent-wife.
- 4] This Court on 4 July 2007 issued Rule and made the following interim order:

2. Till further orders that part of the impugned order dated 15th June 2006 by which the Petitioner is directed to pay alimony at the rate of Rs.8,000/- per month will remain stayed subject to compliance with following conditions :

- i) The Petitioner will pay maintenance at the rate of Rs.5,000/- p.m. on or before 10th day of every calendar month,*
- ii) The Petitioner will deposit the entire arrears payable as per the impugned order at the rate of Rs.5,000/- p.m. on or before 16th August 2007.*
- iii) The Petitioner will deposit with the Family Court a sum of Rs.10,000/- towards litigation expenses as ordered by the Family Court on or before 16th August 2007.*
- iv) The Petitioner will deposit in this court a sum of Rs.5,000/- on or before 16th August 2007 by way of costs of this Petition payable to the first Respondent.*

5] The impugned order dated 15 June 2006 had awarded interim maintenance to the Respondent-wife. Therefore, the impugned order was to operate during pendency of main petition, i.e. Petition No. A-1370 of 2004 instituted by the Petitioner. At this point of time, it is reasonable to presume that the main petition has been disposed of by the Family Court. If not, directions are now issued to the Family Court to dispose of the main petition, as expeditiously as possible and in any case within a period of six months from today. The interim order made by this Court on 4 July 2007 is to be recorded as the final order in the present petition. The impugned judgment and order dated 15 June 2006 stands modified accordingly. In case, the Petitioner has not complied with the directions contained in the interim order dated 4 July 2007, the Family Court to ensure compliance by making appropriate orders in that regard.

6] This petition is disposed of in the aforesaid terms.

7] Since, neither the parties nor their advocates are present, the Registry is directed to transmit the authenticated copy of this order to the Family Court No.5 at Bandra, Mumbai, which is taking up Petition No.A-1370 of 2004, within a period of fifteen days from today. The Family Court No.5, Bandra, Mumbai is requested to issue notice to the parties and proceed to dispose of the main petition, if not disposed of, as per the directions given in this judgment and order.

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

(M. S. SONAK, J.)

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