

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4892 OF 2008

Uttam Y. Sawant	..	Petitioner
VS.		
Manda R. Khaire	..	Respondent

None for Petitioner.
None for Respondent.

CORAM : M. S. SONAK, J.
DATE: 20 NOVEMBER 2015

P.C. :-

1] Neither of the parties nor their Advocates are present. However, since the petition is of the year 2008, it is appropriate that the same is disposed of after taking into consideration the grievance raised in the petition, rather than dismissed for non prosecution.

2] The challenge in this petition is to the impugned judgment and order dated 31 January 2008, made by the Family Court Mumbai, enhancing maintenance amount during the pendency of Petition No. A-2172 of 1997.

3] Rule was issued in this petition on 22 September 2008 and the following interim order was made :

"2. Interim relief in terms of prayer clause (E).

3. In the meanwhile, petitioner shall pay Rs.2,000/- to the respondent from the date of the impugned order and shall

also pay arrears within twelve weeks from today, failing which, interim relief shall, automatically, stand vacated without reference to the Court.

4. In view of the above order, the execution of the impugned order initiated by the respondent is stayed. However, it is made clear that in the event of vacation of interim relief, it would be open for the respondent to proceed with the execution.”

4] Since the Petitioner does not appear today, whether the directions contained in the order dated 22 September 2008 were complied with by the Petitioner or not. In case, the Petitioner has complied with the directions subject to which interim order was made, then the impugned order shall stand modified in terms of interim order dated 22 September 2008. However, if the Petitioner has defaulted in compliance, then, this petition shall be deemed to have been dismissed. Directions are issued to the said effect.

5] Further, in case, the main petition before the Family Court i.e. Petition No. A-2172 of 1997 is not already disposed of, then the Family Court is directed to dispose of the same as expeditiously as possible and in any case within a period of six months from today.

6] Rule is accordingly disposed of in the aforesaid terms.

7] Since neither of the parties nor their Advocates have appeared, the Registry is directed to transmit authenticated copy of this order to the concerned Family Court taking up Petition No. A-2172 of 1997. This shall be done as early as possible and in any case within a period of four weeks from today.

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

(M. S. SONAK, J.)

Chandka