

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4548 OF 1999

Mrs. Vaishali Moreshwar Khatavkar .. Petitioner
VS.
Moreshwar Madhukar Khatavkar .. Respondent

None for Petitioner.
None for Respondent.

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

P.C. :-

1] This is a petition of the year 1999. The same was dismissed for non prosecution on 28 June 2013 but thereafter restored on 12 December 2013. Today when the matter is called out, neither the Petitioner nor her Advocate is present.

2] The petition is of the year 1999. In these circumstances, rather than dismiss the petition for non prosecution, it is appropriate if the same is disposed of after taking into consideration the grievance raised in the petition.

3] The challenge in this petition is to the order dated 1 July 1999, by which *pendente lite* maintenance came to be declined to the Petitioner. Considering that the main petition was instituted in the year 1997, it is reasonable to presume that the same has, by now, been disposed of. In any case, rather than decide the issue of maintenance *pendente lite* at this stage, it would be appropriate if

the Joint Civil Judge, Senior Division, Satara, before whom H.M. Petition No. 128 of 1997 may be pending is directed to dispose of the same as expeditiously as possible and in any case within a period of six months from today.

4] In case H.M. Petition No. 128 of 1997 has not been disposed of, then the same is to be disposed of in accordance with law and on its own merits without in any manner being influenced by the observations made in the impugned order or the circumstance that this petition is being disposed of with the direction to expedite the main matter.

5] The Registry is directed to transmit authenticated copy of this order to the Joint Civil Judge, Senior Division at Satara taking up H.M. Petition No. 128 of 1997. This shall be done as early as possible and in any case within a period of four weeks from today.

6] Rule is disposed of in the aforesaid terms.

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

(M. S. SONAK, J.)