

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9848 OF 2004

Dr. Chandrasekhar R. Pardeshi .. Petitioner
VS.
Dr. Mrs. Surekha C. Pardeshi & Ors. .. Respondents

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 2004, 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 order dated 5 October 2004, by which the Petitioner was directed to pay interim maintenance to his step daughters i.e. the Respondent Nos. 2 and 3.

3] Although, Rule was issued in this matter on 31 March 2005, ad interim relief was granted only till the next date. There is no record of extension of ad interim relief. In fact, the record indicates that on 5 December 2005 interim relief was denied.

4] There was no stay on the proceedings before the Civil Judge, Senior Division, Nashik in Special Civil Suit No. 57 of 2003, in which the impugned interim order dated 5 October 2004 came to be made. At this length of time, it is reasonable to presume that the Special Civil Suit No. 57 of 2003 has been disposed of. In which case, this petition is rendered infructuous. However, if the Special Civil Suit is not yet disposed of, the Civil Judge, Senior Division at Nashik is directed to dispose of the same as expeditiously as possible and in any case within a period of six months from today.

5] There is no case made out, particularly at this point of time to interfere with the impugned order. The circumstance that the Respondent Nos. 2 and 3 are the step daughters of the Petitioner or that they were already receiving some compensation from their natural father is not sufficient to deny them interim maintenance from the Petitioner. In case however, if the Special Civil Suit is not yet disposed of, then the Civil Judge, Senior Division, Nashik, to dispose of the same in accordance with law and on its own merits without in any manner being influenced by the observations made in the impugned order dated 5 October 2004 or for that matter the *prima facie* observations made in this order.

6] Rule is disposed of in the aforesaid terms. There shall be no order as to costs.

7] Since neither of the parties nor their Advocates have appeared, the Registry is directed to transmit authenticated copy of this order to the Civil Judge, Senior Division, Nashik taking up Special Civil Suit No. 57 of 2003. 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