

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9369 OF 2014

Rakesh Vijay Katare	... Petitioner
Vs.	
Sau. Karuna Rakesh Katare	... Respondent

Mr. Ashok B. Tajane, Advocate for the petitioner.
Mr. Jaydeep Deo, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 13, 2015**

P.C.:

Rule. Rule made returnable forthwith. By consent, the Writ Petition is heard finally at the stage of admission.

2. In this Writ Petition, the order dated 23rd July, 2014 passed by the learned Principal Judge of the Family Court, Solapur directing the petitioner to pay maintenance to the wife and two minor children under section 24 of the Hindu Marriage Act, 1955 is hereby challenged.

3. The learned counsel for the petitioner submitted that the learned Principal Judge has passed the order ex-parte without giving any opportunity of hearing. Hence, the order be quashed and set aside.

4. Perused the order dated 23rd July, 2014 passed by the learned Principal Judge of the Family Court especially paragraphs 4 and 5 of the

order. The learned Principal Judge has relied on the pleadings and say and the party and the counsel was absent. On this ground only, the order passed by the learned Principal Judge of the Family Court is set aside. The matter is remanded to the Family Court, Solapur. Both the parties to appear before the learned Family Court Judge on 27th August, 2015. The learned Judge of the Family Court is requested to decide the Application after hearing the parties and respective counsel on its own merits on or before 30th September, 2015.

5. Writ Petition is disposed of.

(MRS.MRIDULA BHATKAR, J.)