

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10216 OF 2010

Neelam V. Sonawane

.. Petitioner

vs.

Vishnu R. Sonawane

.. Respondent

None for both the parties.

CORAM : M. S. SONAK, J.

DATE : 11 DECEMBER 2015.

P.C. :-

- 1] Neither the parties nor their advocates are present.
- 2] The challenge in this petition is to the order dated 27 September 2010, by which, the Civil Judge, Senior Division, Malegaon has granted interim maintenance of only Rs.1000/- per month to the Petitioner as against her claim of Rs.15000/- per month.
- 3] As of this date, it is reasonable to presume that Hindu Marriage Petition No. 206 of 2009 pending in the Court of Civil Judge, Senior Division at Malegaon, has itself been disposed of. In case, Hindu Marriage Petition No. 206 of 2009 is not disposed of, directions are issued to the Civil Judge Senior Division, Malegaon to dispose of the same, as expeditiously as possible and in any case

within a period of six months from today. It is not possible to consider the Petitioner's claim for enhancement in her absence as well as absence of her advocate. In the interest of justice, it would be appropriate if directions are issued for expeditious disposal of the Hindu Marriage Petition No. 206 of 2009. In any case, the interim maintenance would operate only during the pendency of the petition. At the stage of final disposal, obviously the Civil Court will have to consider the issue of maintenance/alimony based upon the evidence led by the parties.

4] Accordingly, directions to the aforesaid effect are issued and this petition is disposed of.

5] Since, neither the parties nor their advocates are present, the Registry is directed to transmit the authenticated copy of this order to the Civil Judge, Senior Division, Malegaon, which is taking up Hindu Marriage Petition No. 206 of 2009, within a period of fifteen days from today. The Civil Judge is requested to issue notice to the parties and proceed to dispose of the application for interim maintenance as well as the Hindu Marriage Petition itself, as per the directions given in this judgment and order.

6] Rule is made absolute to the aforesaid extent.

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

(M. S. SONAK, J.)

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