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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11340 OF 2014

Mr.Mayur Sudhir Koppal .. Petitioner
Vs.
Mrs.Manasi Mayur Koppal .. Respondent

Mr.P.J.Pawar, Advocate for the Petitioner.
Mr.Sagar Ambedkar, Advocate for Respondent.

CORAM : R.G.KETKAR, J.
DATE : 09th February, 2015

P.C. :

. Heard Mr.P.J.Pawar, learned Counsel for the petitioner and Mr.Sagar Ambedkar, learned Counsel for the respondent at length. Rule. Mr.Ambedkar waives service. At the request and by consent of the parties, rule is made returnable forthwith and the petition is taken up for final hearing.

2. By this petition under Article 227 of the Constitution of India, the petitioner-husband has challenged the order dated 01/10/2014 passed by the learned Judge, Family Court No.3, Mumbai below exhibit 27 in Petition No. A-896 of 2012. By that order, the Family Court allowed the application filed by the respondent-wife under Order 39, Rule 11 of the Code of Civil Procedure, 1908 for striking out the defence of the petitioner herein for not depositing the arrears of maintenance.

3. Mr.Pawar states that the petitioner is in arrears of

Rs.2,60,631/- as on 31/01/2015. Mr.Pawar, upon taking instructions from the petitioner, states that within 6 weeks from today, the petitioner will clear entire arrears of maintenance by depositing the amount in the Family Court under due intimation to the learned Counsel for the respondent. In addition to that, the petitioner will also go on depositing regular monthly maintenance in the Family Court, Mumbai under due intimation to the learned Counsel for the respondent. The assurance given by Mr.Pawar is recorded.

4. In view thereof, the impugned order dated 01/10/2014 is quashed and set aside, subject to the petitioner depositing arrears of maintenance of Rs.2,60,631/- in the Family Court, Mumbai within 6 weeks from today under due intimation to the learned Counsel for the respondent.

5. It is made clear that if the amount of arrears of maintenance is deposited, the impugned order shall stand set aside. It is also made clear that if the amount of arrears of maintenance is not deposited, the impugned order shall stand revived without further reference to the Court.

6. All the parties including the Family Court, Mumbai shall act upon authenticated copy of this order.

7. Rule is made absolute in the aforesaid terms with no order as to costs.

(R.G.KETKAR, J.)

