

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 1147 OF 2014**

**Mr. Sanjay Ananda Patil  
Vs.  
Savita Sanjay Patil & Anr.**

**..Petitioner  
  
..Respondents**

**Mr. Ananda Patil for the Petitioner  
Mr. Prashant Bhavake for the Respondent No.1**

**CORAM : R. M. SAVANT, J.  
DATE : 22<sup>nd</sup> JANUARY, 2015**

**P.C.**

1           In the above Petition, Rule came to be issued on 22-7-2014 and the notice on interim relief came to be made returnable. It is pursuant to the said notice that the above Petition is listed for hearing as to interim relief. However the Learned Counsel for the parties Mr. Patil for the Petitioner and Mr Bhavake for the Respondent No.1, have no objection if the Petition itself is decided. Hence by the consent of the Learned Counsel the Petition is taken up for final hearing.

2           The order impugned in the Petition is one dated 17-9-2013 passed by the Learned Adhoc District Judge-1, Kolhapur, by which order, the application for interim maintenance filed by the Respondent in Regular Civil Appeal No.352 of 2011, came to be partly allowed and the Petitioner herein who is the Respondent No.1 in the said Appeal was directed to pay Rs.2000/- per month from the date of the application to the Appellant till the disposal of

the Appeal. The Respondent No.1 in the said Appeal was also directed to pay Rs.1000/- towards litigation costs. The said Regular Civil Appeal No.352 of 2011 challenges the decree of divorce granted to the Petitioner in HMP No.234 of 2009 on the ground of adultery. It is the case of the Petitioner that in view of the divorce granted and having regard to the ground on which it has been granted, namely adultery the Respondent No.1 is not entitled to claim maintenance from the Petitioner. It is his case that in fact it is at the appellate stage that the Respondent No.1 for the first time made an application for maintenance.

3           As indicated above, the Petition has been admitted and has been listed today for hearing as to interim relief.

4           The Learned Counsel for the Respondent No.1 in whose favour the order of interim maintenance has been passed on instructions makes a statement that the Respondent No.1 would withdraw the application Exhibit-20 for interim maintenance and further makes a statement that the Respondent No.1 would not claim maintenance during the pendency of the said Regular Civil Appeal No.352 of 2011. However, it would be contingent upon the decision that would be rendered in the said Appeal that the Respondent No.1 reserves her right to file an application for maintenance.

5           In view of the said statement made by the Learned Counsel for the Respondent No.1 it is not necessary for this Court to consider the impugned order on merits as the Respondent No.1 has made a statement that he would withdraw the application Exhibit 20. Hence the impugned order is set aside. Statement of the Respondent No.1 is accepted. In the facts and circumstances of the case, the hearing of the Regular Civil Appeal No.352 of 2011 is expedited and is directed to be disposed of by 30-6-2015. Needless to state that the Appeal would be decided on its own merits and in accordance with law uninfluenced by the instant order or the statement made by the Respondent No.1. In the light of the above, Rule in the above Petition to stand disposed of.

**[R.M.SAVANT, J]**