

3. In the aforesaid circumstances, rather than dismissing petition for non-prosecution and thereafter permitting the petitioner to once again apply for restoration, it is appropriate that the matter is decided on merits.

4. The challenge in this petition is to the order dated 29/10/2010 by which the petitioner has been directed to pay interim maintenance at the rate of Rs.10,000/- to his wife and two minor daughters. Considering that this order was made on 29/10/2010, it is possible that the main proceedings have themselves been disposed of. In any case, directions are issued for disposal of the main proceedings within six months from the date of receipt of authenticated copy of this order.

5. Upon perusal of the impugned order and the material on record, there is absolutely no case made out for interference with the impugned order. Admittedly, the petitioner has means to maintain his wife and two children. The two children were minor on the date when the impugned order was made. The petitioner has stated that the respondent-wife has deserted him without any cause. The material on record at least *prima-facie* suggests otherwise. There is no jurisdictional error in the making of the impugned order. It is possible that the sole purpose of institution of this petition was to avoid payment of even interim maintenance on the ground that this petition is pending before this Court. This is by no means proper. For all the aforesaid reasons, this petition is dismissed with costs of Rs.10,000/-.

6. Since neither of the parties are appearing, the Registry is directed to transmit the authenticated copy of this order to the 3rd Joint Civil Judge, Senior Division, Kolhapur, taking up Hindu Marriage Petition No.434 of 2008, within a period of four weeks from today.

(M. S. SONAK, J.)