

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.35168 OF 2015

Sandip Baburao Daragshetti

..Petitioner

V/s.

Priya Sandip Daragshetti

.. Respondent

Mr.Kuldeep V. Nikam for the petitioner.

None present for the respondent.

CORAM : M.S. SONAK, J.

DATE : 18th APRIL, 2016.

P.C.

1. Heard Mr.Nikam learned counsel for the petitioner.
2. This court on 21st March 2016, had made the following order.

“Heard Shri K U Nikam, the learned counsel appearing for the Petitioner.

Issue notice to the Respondent, returnable on 18/04/2016. In addition to service of notice through Court, the advocate for the Petitioner shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondent and shall file affidavit of service before the returnable date. The notice is issued on the condition that the Petitioner deposits an amount of Rs.30,000/- in this Court that is the outstanding up to March 2016 before the returnable date without

prejudice to his rights and contentions. This is also as and by way of exploring the possibilities of an overall settlement between the parties.”

3. As on today the petitioner has not deposited the amount of Rs.30,000/- in this Court. Mr.Nikam states that the petitioner is not in a position to pay this amount but petitioner will make attempts to see whether the amount can be deposited in this Court.

4. In this case challenge is to the order for payment of interim maintenance at the rate of Rs.5,000/- per month. Notice was issued to the respondent on the condition that the petitioner deposits an amount of Rs.30,000/- in this Court. This condition has not been complied with by the respondent. Therefore, it will not be appropriate to continue with any further hearing in this petition. Petition is therefore, dismissed.

5. However, in case, the petitioner pays an amount of Rs.35,000/- to the respondent by way of Demand Draft within a period of six weeks from today, then the petitioner is granted

liberty to seek revival of the present petition. It is however, made clear that there is no interim relief, in the matter of enforcement of the impugned order dated 03-10-2015. Therefore, on the basis of this order, the petitioner, need not be granted any adjournments either in the main matter before the Civil Judge Senior Division, Sangli or in the matter of execution of order dated 03-10-2015. Further, the petitioner is directed to file authenticated copy of this order before the Civil Judge Senior Division, Sangli within a period of one week from today and file affidavit of compliance in this Court

6. This petition is accordingly disposed of in the aforesaid terms.

(M.S. SONAK, J.)