

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

WRIT PETITION NO. 11811 OF 2013

Mr. Manish Mohan Pardeshi	... Petitioner
Vs	
Mrs. Jyoti Manish Pardeshi	... Respondent

...

None is present.

CORAM : M. S. SONAK, J.
DATE :20 JANUARY, 2016

P.C. :

1. Neither the petitioner nor his advocate are present.

However, looking to the circumstances of the matter, the petition is disposed of.

2. On 01.07.2015, this court made the following order.

“1. None appears for the petitioner.

2. The petitioner-husband has challenged the Judgment and order dated 22.1.2013 passed by the learned Civil Judge, Sr. Dn., Kalyan below Exh. 5 in Hindu Marriage Petition No. 87 of 2011. By that order, the learned trial Judge partly allowed application-Exh. 5 and directed the petitioner to pay interim maintenance to the respondent-wife and sons Kunal and Ashish from the date of filing of the application, i.e. 31.1.2011 till disposal of the petition at the rate of Rs. 1000/- per month each and Rs. 2000/- towards expenses.

3. Petition is instituted on 22.2.2013 and apparently there is no stay to the impugned order. As advocate for the petitioner is not present, list the Petition on 22.7.2015. The petitioner shall clarify whether the impugned order is complied by the petitioner, on the next date of hearing.”

3. Today, since neither the petitioner nor his advocate have appeared, it is not possible to ascertain whether the petitioner has complied with the order for payment of interim maintenance @ Rs. 1000/- per month to the wife Jyoti and the children Kunal and Ashish each, that is, in all interim maintenance of Rs. 3000/- per month. However, the circumstance that neither the petitioner nor his advocate are appearing in this matter, render it responsible to presume that the petitioner is not complying with the interim order, *inter alia* on the ground of pendency of the present petition. This is not proper, particularly in the matter of this nature.

4. If the impugned order is perused, it appears that the petitioner is earning an amount of Rs. 50,000/- to Rs. 60,000/- towards cable business. In contrast, his wife Jyoti and 2 minor school going children Kunal and Ashish have no source of income. The Trial Court has awarded only Rs. 3000/- per month as maintenance for all three of them. This *prima facie* appears to be on the lower side. However, since this is only interim determination, there is no necessity to make any observations in this regard. There is however, no jurisdictional error warranting interference with the

impugned order.

5. This petition is therefore dismissed. The petitioner is directed to clear the arrears, if any, within a period of one month from today, along with interest thereon @ 10% per annum. In addition to this, the petitioner shall pay costs of Rs. 15,000/- to the respondent. The trial Court, to ensure that arrears towards maintenance as well as costs are indeed paid by the petitioner within a period of 4 weeks from today.

6. The Registry of this Court is directed to forward an authenticated copy of this order to the Civil Judge Senior Division, Kalyan taking up Hindu Marriage Act, in Application No. 87 of 2011 as expeditiously as possible and in any case within a period of 15 days from today.

7. The learned trial Judge to act on the authenticated copy of this order.

(M. S. SONAK, J.)