

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6717 OF 2014

Sheetal Girish Binjwe	..	Petitioner
VS.		
Girish Dattatraya Binjwe	..	Respondent

None for Petitioner.
Mr. Hitesh Vyas for Respondent.

CORAM : M. S. SONAK, J.
DATE: 26 AUGUST 2016

P.C :

1] Neither the petitioner nor her Advocate are present. However, the impugned order as well as record was perused and the learned counsel for the respondent Mr. Hitesh Vyas was also heard for some time.

2] Mr. Vyas submits that there were some settlement talks in progress and on this ground even adjournment was applied for on the earlier occasion. He reports that he has no institutions on this issue at present.

3] Mr. Vyas also invites my attention to the order dated 18 November 2015 in writ petition no. 4381 of 2015, by which several directions were issued in the matter of expeditious disposal of P.A. No. 775 of 2013. In fact, by the order dated 18 November 2015, the

main petition was directed to be disposed of as expeditiously as possible and in any case within a period of one year from the date of the order i.e. 18 November 2015.

4] Although, Mr. Vyas was not in a position to make any submission with regard to the progress of the petition, it is reasonable to proceed on the basis of the main petition must be at the substantially advanced stage. The impugned order awards interim maintenance at the rate of Rs.8,000/- per month. In addition to the same, there is an order made under the provisions of the Protection of Women from Domestic Violence Act 2005, which directs the respondent husband to pay maintenance of Rs.5,000/- to one of the daughters. In all therefore, the respondent is required to pay maintenance of Rs.13,000/- per month.

5] Now, that the main petition itself is going to be disposed of latest by 17 November 2016, it will not be appropriate to interfere with the impugned order, particularly in the absence of the petitioner and the learned counsel for the petitioner. Instead, the interests of justice will be met if, once again, it is reiterated that the main petition itself should be disposed of on or before 17 November 2016.

6] In disposing of the main petition, family court need not be influenced by any observations made in the impugned order or for that matter the dismissal of the present petition. In view of the direction for expeditious disposal, this court has not addressed to the merits of the respective contentions. All contentions are accordingly kept open for decision by the family court whilst disposing of the main petition finally.

7] This petition is accordingly disposed of. The respondent is directed to clear all the arrears towards maintenance in terms of the impugned order, if not already cleared, within a period of four weeks from today. Family court to ensure that such arrears are indeed cleared by the respondent husband.

8] Mr. Vyas, learned counsel for the respondent is requested to produce authenticated copy of this order before the Family Court No. 2, Pune, which is taking up main petition (P.A. No. 775 of 2013) within a period of two weeks from today.

9] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)