

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11151 OF 2014

Kapil Devidas Survase .. Petitioner
Versus
Shobha Kapil Survase .. Respondent

Ms. Sangita Survase for petitioner
None for respondent.

CORAM : M.S.SONAK, J

DATE : 14th June 2016

P.C :

1] On 18th April 2016, this Court made the following order:-

“1. Neither the petitioners nor his advocate are present. By order dated 26th February 2016, this Court has stayed the execution of the impugned order. The notings dated 10th May 2015 as well as 16th April 2016 indicate that the Advocate for the petitioner has not supplied any copies and therefore, the registry has not been able to issue notices. This means that the petitioner, after having obtained adinterim relief from this Court, has not been taking steps to effect service upon the respondent.

2. Today, neither the petitioner nor his advocate are present. In these circumstances, rather than dismissing the Writ Petition it will be appropriate to vacate the interim relief granted on 26th February 2016. Accordingly, the interim order made on 26th February 2016 is hereby vacated. The registry to intimate this order to the Civil Judge Senior Division, Solapur taking up Hindu Marriage Petition No.108/2013, so that, the

execution of the impugned order can proceed. The registry to make the necessary intimation within the period of one week from today.

3. Place this petition on 13th June 2016, under the caption for dismissal/disposal.”

2] Even thereafter, it appears that the petitioner has taken no steps for even effecting any service upon the respondents. Today when the matter is called out, neither the petitioner nor his Advocate are present. From the aforesaid, it is quite clear that the petitioner was only interested in delaying the execution proceedings. The petitioner in fact obtained ad-interim relief from this Court on the basis of the statement that 50% of the arrears towards the interim maintenance will be positively deposited by him with the trial court on or before 25th February 2016. A statement was made on 26th February 2016 that such an amount has indeed been deposited. After obtaining the interim order, however, the petitioner has not been diligent in pursuing the matter and, therefore, the interim order was vacated on 18th April 2016.

3] In view of the aforesaid, the petition is dismissed for non prosecution. Further, the petitioner is directed to pay costs of Rs.10,000/- to the respondent.

4] Registry to communicate this order to the Civil Judge, Senior Division, Solapur taking up Hindu Marriage Petition No.108 of 2013 so that the trial court can ensure that such costs are indeed paid by the petitioner to the respondent. Further, the execution proceedings which were earlier stayed by this court are ordered to proceed expeditiously.

5] The petition is accordingly dismissed for non prosecution. Interim

YBG

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orders, if any, stand vacated. All concerned to act on an authenticated copy of this order.

(M.S.SONAK, J.)