

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE****WRIT PETITION NO.43 OF 2016**

Shri Santosh Annasaheb Bhivate ... Petitioner
V/s.
Smt. Nirmala Annasaheb Bhivate and ors. ... Respondents
...
Mr. Chetan Patil for the petitioner.
Mr. Sandeep S. Koregave for respondent no.1.
...

CORAM : M. S. SONAK, J.

DATE : 11 APRIL 2016.

P.C.:

1. The learned counsel for the petitioner and respondent no.1 agree that this petition can be disposed of with the following order;

a) Respondent no.1 shall implead her two daughters and a son as defendants in Petition No.C-5 of 2015 pending before the Family Court, Kolhapur within a period of two weeks from today.

b) The petitioner without prejudice to the rights and contentions will pay to respondent no.1 interim maintenance @ Rs.5000/- per month with effect from 1 March 2016. Such interim maintenance amount for the months of March and April 2016 shall be paid to

respondent no.1 within a period of three weeks from today. So far interim maintenance for future months is concerned, the same shall be paid on or before 10th day of each month.

c) The petitioner shall pay the amount of interim maintenance on ad-hoc basis until the Family Court at Kolhapur takes up and decides the application of respondent no.1 for interim maintenance. The Family Court is requested to dispose of the application for interim maintenance as expeditiously as possible and in any case within a period of three months from the date of filing of an authenticated of this order.

d) All the parties are directed to co-operate in the matter of expeditious disposal of the application for interim maintenance. In case respondent no.1 unduly delays and for this reason the application for interim maintenance is not disposed of within a period of three months as aforesaid, the petitioner shall be at liberty to apply for variation in this order.

e) The petitioner shall be entitled to urge that in case any interim maintenance is at all being awarded, the same should be shared between his siblings who are now impleaded as parties in the main petition. The Family

Court in such a situation to determine the amount of interim maintenance, if any, and also make appropriate orders, if any, in the matter of such a proportionment.

f) The petitioner in such eventuality may be given credit for the amount already paid by him towards interim maintenance on such ad-hoc basis.

2. This court has not examined the merits of the matter and all the contentions of the parties are kept open to be determined by the Family Court.

3. Further, the observation in this order may be treated as only prima facie and the Family Court need not be influenced by the same.

4. The petition is accordingly disposed of with the aforesaid order.

(M. S. SONAK, J.)