

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.359 OF 2015
SAU. PRATIBHA W/O RATAN CHATARE
VS
SHRI RATAN PRAMOD CHATAR
AND
WRIT PETITION NO.360 OF 2015

SAU. PRATIBHA W/O RATAN CHATARE
VS
SHRI RATAN PRAMOD CHATARE

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. D. Bhate, Advocate for the petitioners.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 11, 2016.

Shri A. D. Bhate, the learned Counsel for the petitioner by relying upon the decisions in *Baburao Akaram Kalaskar v. Kusum Baburao Kalaskar* 1980 Mh.L.J. 871 and *Rajesh H. Parikh vs. Deepika R. Parikh* 2012(3) Mh.L.J. 331 submits that as the respondent was in arrears of maintenance that was awarded in proceedings under Section 125 of the Criminal Procedure Code, 1973, his defence in the civil proceedings filed by the petitioner was liable to be struck off under the provisions of Order 39 Rule 11 of the Code of Civil Procedure, 1908.

Issue notice for final disposal of the writ petition returnable on 27-7-2016.

Hamdast granted.

JUDGE