

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 38 OF 2016

TARARANI @ YOGITA NARESH KOLI
VERSUS
NARESH MADHUKAR KOLI

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Advocate for Petitioner : Shri Bora Satyajit S.
Advocate for Respondent : Shri Ostwal Abhaykumar D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 06, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 30.7.2015, passed by the trial Court in Misc. Civil Application No.61 of 2014, thereby refusing to correct the operative part of the judgment and decree dated 27.8.2014 in Special Civil Suit No.349 of 2005.

2. I have heard the submissions of Shri Bora and Shri Ostwal, learned Advocates for the respective sides.

3. Issue raised is as to whether the decree could be interpreted to mean a one time maintenance of Rs.2500/- per month or per year or being consolidated as a quantified amount. The petitioner had preferred a suit under Sections 18 and 20 of the Hindu Adoption and Maintenance Act, 1952.

4. There is no dispute that both these litigating sides are before the learned Appeal Court in Civil Appeal No.174 of 2014 along with a Cross Appeal being filed by the petitioner.

5. Considering the controversy at issue and the submissions of the learned Advocates, I find that this petition could be disposed off by keeping all contentions of the litigating sides open for the learned Appeal Court to consider and decide in Civil Appeal No.174 of 2014. Both the learned Advocates are agreeable that this petition can then be disposed off.

6. As such this petition is disposed off by specifically keeping all the contentions of the litigating sides open to be considered by the learned Appeal Court in Civil Appeal No.174 of 2014. The learned Appeal Court shall consider the rival contentions on their own merits.

7. By consent of the parties, the appeal Court would be at liberty to decide the said appeal as expeditiously as possible and preferably on/or before 30.10.2017.

(RAVINDRA V. GHUGE, J.)

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