

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6646 OF 2015

Mr. Bapusaheb Devba Kharat.	... Petitioner.
Versus	
Suman Bapusaheb Kharat.	... Respondent.

Mr. Mohan M. Dhamal, advocate for petitioner.

Mr. R.V. Bansode, advocate for respondent.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : OCTOBER 3, 2017**

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned Counsel for the respondent.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The impugned order dated 30/1/2015 is passed by Civil Judge, Junior Division, Dahiwadi. In fact, by this order the Petitioner herein

was directed to pay interim maintenance of Rs. 2,000/- per month to the Respondent. The learned Counsel submits that the Petitioner has abided by the order dated 30/1/2015. The learned Counsel for the Respondent also admits that the amount is recovered.

4 In fact, the Petitioner in order to maintain the judicial discipline ought to have approached the District Court at Vaduj. The learned Counsel for the Petitioner submits that it was due to incorrect legal advice that the present Petition is filed directly before the High Court and that the Petitioner should not be saddled with the penalty for the same.

5 In view of this submission extended across the bar, the Petition deserves to be disposed of for filing petition before appropriate forum.

6 In the eventuality that the Petitioner files Misc. Civil Appeal before the District Court at Vaduj, the time spent in prosecuting the present Petition shall be condoned by the District Court and the Misc.

Civil Appeal be heard on its own merits. The Appeal shall be entertained only in the eventuality that Misc. Civil Appeal is filed within 30 days from today. It is made clear that all contentions are kept open.

7 With these directions, the Petition stands disposed of. The Rule is discharged.

(SMT. SADHANA S. JADHAV,J)