

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.600 OF 2013

Sugandha Sunil Sonavane	 Applicant
V/s.	
Sunil Bajirao Sonavane & Anr.	 Respondents

Ms. Pranita P. Hingmire for the Applicant.

Mr. Sachin B. Chandan for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 6TH OCTOBER 2017.

P.C. :

1. Heard learned counsel for the Applicant and for Respondent No.1.

2. This Revision Application is directed against the order dated 5th April 2013, passed by the Family Court, Nashik, in the Petition bearing No.A-101 of 2011, thereby rejecting the application (*Exhibit-22*) filed by the Applicant-wife for dismissal of the Petition under Order 39 Rule 11 of CPC for non compliance of the Court's order, directing Respondent No.1-husband to pay the amount of Rs.1,000/- per month towards interim maintenance.

3. It is pointed out by learned counsel for Respondent No.1 that, the Petitioner herein has also filed execution proceeding, bearing Miscellaneous Application No.486 of 2008, and in that proceeding, Respondent No.1-husband has deposited the entire amount of arrears of maintenance. He has also produced on record the certified copy of the Regular Darkhast No.298 of 2006, to show that he has deposited the amount in that proceeding also.

4. In view thereof, there remains nothing much to decide in this Revision Application. Otherwise also, in the absence of sufficient details given by the Petitioner to show how much amount remained due and how the default was committed and whether the said default was willful or otherwise, the Trial Court has rightly rejected the Petitioner's application for dismissal of the Divorce Petition under Order 39 Rule 11 of CPC and now as the said order of maintenance being complied with, there is no reason to interfere in the impugned order of the Trial Court. Therefore, the Revision Application needs to be dismissed and, accordingly, stands dismissed.

5. At this stage, it is pointed out that this Court has, by its order dated 29th April 2015, directed that B.S.N.L. shall not permit Respondent No.1 to

withdraw his retirement benefits. This order shall remain in force till both the parties appear before the Trial Court and raise the dispute.

6. Both the parties to appear before the Trial Court on 6th November 2017.

[DR. SHALINI PHANSALKAR-JOSHI, J.]