

The Respondent resisted the said application contending inter alia that the Petitioner remained absent after filing of affidavit of evidence and after order of interim maintenance, the Petitioner neither deposited the amount of maintenance nor appeared in the Court for cross-examination on several days. Therefore, the petition came to be dismissed for want of prosecution on 15/06/2009.

2] Perusal of the said order dated 15/06/2009 clearly goes to show that the Petitioner has remained absent. Even the facts presented before the Court reveal that, no application for adjournment was filed and it was as good as the Petitioner has abandoned the said matter.

3] Now though the Petitioner contends that on 15/06/2009 he was ill and unable to attend the Court, no Medical Certificate to that effect is produced on record of the trial Court or before this Court also. The averments made in the application also go to reveal that he was attending the Court in Revision Application which he has filed against the order of interim maintenance. Thus, if the trial Court has held that the Petitioner has purposely avoided to remain present before it and his conduct was just to avoid the payment of maintenance; no fault can be found in the said order so

as to warrant any interference therein.

4] The Writ Petition holds no merits, hence stands dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.)