

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

C.A.W. NO.126/2017

IN

WRIT PETITION NO.2070/2016

Ashish S/o Babanrao Sasankar

..Vs..

Mrs. Prachi W/o Ashish Sasankar and others

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

Court's or Judge's orders

Mrs. R.S. Sirpurkar, Adv. for the petitioner.
Shri P.N. Upadhyay, Adv. for respondent Nos.1 to 3.

CORAM : S.C. GUPTE, J.

DATE : 23.8.2017.

Civil Application (CAW) No.126/2017 seeks amendment of the petition. The petitioner (who is original non-applicant in a matrimonial petition for maintenance) seeks to add certain averments in the petition concerning the conduct of the parties, payments made by the petitioner to the respondent - wife towards monthly maintenance granted by the Judicial Magistrate First Class in a domestic violence proceedings pending between them and certain discussions between the parties pertaining to maintenance. Since these matters directly bear on the subject matter of the petition, in order to bring out the real controversy between the parties, it is necessary to allow the amendment.

Learned counsel for the respondents opposes this application also on the ground that the interim maintenance ordered by this Court in its order passed on 31st March, 2016 is not yet paid by the petitioner.

Learned counsel for the petitioner states that her client shall pay the sum of Rs.50,000/- from out of the arrears of maintenance in accordance with the order passed by this Court on 31st March, 2016, within a period of one week from today, whilst the balance amount of maintenance shall be paid within a period of two weeks thereafter, in the designated account of respondent No.1. The statements are accepted. It is made clear that these payments shall be subject to the final orders that may be passed in the writ petition herein.

On these terms, the civil application for amendment is **allowed**. The amendment be carried out within a period of two weeks from today.

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The petition to come up for final hearing in the week commencing from **18th September, 2017**.

JUDGE