

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5506 OF 2018
IN
MISCELLANEOUS CIVIL APPLICATION NO.158 OF 2016

Aswini Pramod Misal

APPLICANT

VERSUS

Pramod Damodar Misal

RESPONDENT

.....

Mr. Rajendra b. Dhakane, Advocate for the applicant

Mr. R. P. Dhase, Advocate for the respondent

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 27th JULY, 2018

ORDER :

1. Civil application has been moved against order dated 29th March, 2018 passed by Judge, Family Court, Aurangabad on Exhibit-27 in Petition A No. 306 of 2016, whereunder the Family Court has purportedly condoned lapse of present respondent by directing deposit of an amount as per directions of this court dated 27th June, 2017.

2. Although seemingly submissions advanced on behalf of the applicant may carry little amount of substance and though the impugned order may be technically not justified, yet giving some due to human errors and looking at the circumstances,

particularly that respondent is working as a peon and on some dates he could not attend to the court proceedings and deposit the amount as directed, the lapse so occurred may have to be condoned as treated by learned judge of the family court.

3. In the circumstances, no interference is being caused in the order impugned, however making it clear that the amount per visit of present applicant, now stands enhanced from Rs.1000/- to Rs.1,500/-. Henceforth, respondent would be liable to deposit an amount of Rs.1,500/- per visit of the applicant in the family court. Respondent may deposit the amount in advance. In case of further failure, the effect and operation of rigour under paragraph No. 4 of order dated 27th June, 2017 passed by this court in Miscellaneous Civil Application No. 158 of 2016 would stand revived.

4. Family court to proceed with the matter expeditiously and dispose of the same as early as possible.

5. Civil application stands disposed of. Respondent shall pay costs of this application Rs.1000/- to the applicant.

[SUNIL P. DESHMUKH, J.]