

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9004 OF 2017
((Vaishali Anil Pawar Vs. Anil Gangadhar Pawar)

Mr.R.R.Karpe, Advocate for the petitioner.
Mrs.M.V.Nawade, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 15/06/2018

PER COURT :

1. The petitioner / wife is aggrieved by the order dated 28/06/2017 passed by the Trial Court below Exh.88 in Marriage Petition No.7/2012, by which the application filed by the petitioner praying for striking of the defence of the respondent / husband for having failed in paying interim alimony, has been rejected.

2. I had heard this matter on 12/06/2018 and the learned Advocate for the respondent/husband was called upon to take instructions and make a statement as to whether he has cleared the arrears of payment. It is stated today that the respondent has paid the interim alimony amounts from time to time and there are no arrears. Learned Advocate for the petitioner/wife disputes the said statement and submits that this petition can be disposed of with a

direction to the Trial Court to assess whether the husband is in arrears and if it so occurs, his defence may be struck of. Learned Advocate for the husband is agreeable, on instructions.

3. Considering the above, this petition is disposed of with a direction to the Trial Court to assess, on the forthcoming date 03/07/2018 in the matter, as to whether the husband is in arrears. If it is found that he is in arrears of payment towards interim alimony, his defence would be struck of and the Trial Court would proceed to decide Marriage Petition No.7/2012.

(Ravindra V.Ghuge, J.)