

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 13792 OF 2018

Kalpana w/o Shrimant Maind
Petitioner

...

Versus

Shrimant s/o Trimbak Maind

... Respondent

Mr. M.S. Adate, Advocate for the Petitioner.

***Coram : N.M. Jamdar, J.
Date : 12 December 2018***

Per Court :

1. The petitioner-wife had earlier failed to file a written statement. An order of 'no written statement' was passed. Later it was set aside by the learned Civil Judge, Senior Division, Majalgaon, directing the petitioner to pay cost of ₹ 500/-. The cost was directed to be paid on the same day and if, it was not paid on the same day, it was directed that the application would be deemed to have been rejected. When the petitioner sought to pay the cost on the subsequent day, the learned Civil Judge has rejected the application.

2. Learned counsel for the petitioner submits that the petitioner will apply to the learned Civil Judge since the petitioner is ready to deposit the cost and, only on the date of the order the amount was not available with the petitioner.

3. Liberty to the petitioner to apply to the learned Civil Judge to seek review of the impugned order. The review be decided on its own merits.

4. The ultimate goal of imparting justice should be defeated by adopting hyper technical views. Matrimonial proceedings are to be handled with sensitivity.

5. The writ petition is disposed of.

N.M. Jamdar, J.