

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1425 OF 2016

Suhas Shivaji Tikole	...	Petitioner
Vs.		
Gouri Suhas Tikole	...	Respondent

Mr. Dilip Bodake for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : APRIL 25, 2018

P.C. :

Heard Mr. Bodake, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 19.06.2015 below exhibit-10 in H.M.P.No.118 of 2014 passed by the learned Civil Judge Senior Division, Vaduj, District - Satara. Mr. Bodake has tendered additional affidavit dated 25.04.2018 made by the petitioner enclosing therewith copy of the Marriage Petition, Purshis at exhibit-103 and order dated 05.03.2018. The same is taken on record and marked 'X colly.' for identification. Mr. Bodake states that petitioner is present in the Court. He has tendered copy of his PAN Card, which is taken on record and marked 'Y' for identification.

3. Petitioner had instituted Marriage Petition No.118 of 2014 in the Court of Civil Judge Senior Division, Vaduj under Section 9 of the Hindu Marriage Act, 1955 (for short 'Act'). Pending that proceeding, parties were referred to mediation, The matter was compromised before the Mediator and the parties filed compromise Purshis at exhibit-103 on 05.03.2018. Mr. Bodake invited my attention to paragraph 4 of the additional affidavit setting out therein that petitioner has deposited

Rs.2,55,000/- before the Civil Judge Senior Division, Vaduj towards interim maintenance of the respondent wife and he has no objection to allow the respondent to withdraw the said amount. He invited my attention to the order dated 05.03.2018 passed by the learned trial Judge below exhibit-1 recording that in view of the compromise between the parties, they do not desire to proceed with the Petition. The Court also ascertained voluntariness of the Purshis exhibit-103 filed by both the parties in the presence of their Advocates. He submitted that the learned trial Judge disposed of that Petition in terms of Purshis exhibit-103 as withdrawn.

4. Mr. Bodake submitted that as the Petition was against the interlocutory order and as the main proceedings are disposed of, he seeks permission to withdraw the Petition.

5. In view thereof, Petition is allowed to be withdrawn and is disposed of as such. Respondent wife is permitted to withdraw amount of Rs.2,55,000/- deposited by the petitioner before the Civil Judge Senior Division, Vaduj towards interim maintenance along with accrued interest, if any. He assures that he will serve copy of this order on the respondent as also her Advocate.

(R. G. KETKAR, J.)

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