

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 863 OF 2018
IN
WRIT PETITION NO. 13085 OF 2017**

Mahesh Harischandra Bhoir

...Applicant/
Petitioner

Versus

Mohini Mahesh Bhoir

...Respondent

.....

Mr. Pravinkumar P. More for Applicant.

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CORAM : K. K. SONAWANE, J.

DATE : 16th JULY, 2018.

P. C.:

1. Heard learned Counsel for applicant. Perused the application.

2. This Court, under order dated 8th January, 2018, dismissed the writ petition for want of prosecution. The petitioner preferred writ petition, agitating the impugned order passed by the learned Civil Judge, Senior Division, Panvel under Section 24 of the Hindu Marriage Act, for interim maintenance. Learned Counsel for applicant-petitioner submits that due to unavoidable circumstances, petitioner could not attend the matter, which

resulted into dismissal for want of prosecution. The matter pertains to the matrimonial dispute, therefore, he requests to restore writ petition to its original stage.

3. In view of the subject matter and reasons mentioned in the application, the order of dismissal of the writ petition dated 8th January, 2018 passed by this Court is hereby recalled and set aside and the writ petition No. 13085 of 2017 be restored at its original stage, subject to condition that the applicant-petitioner shall deposit a total sum of Rs.50,000/- in this Court towards interim maintenance for respondent-wife within a period of one month from the date of this order, failure to which, the present order of restoration of writ petition shall stand canceled and revoked without further reference to this Court. In case, applicant-petitioner deposits the amount, the Registry to take steps for restoration of writ petition at its original stage.

4. Civil application is allowed and disposed of in above terms.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

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