

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 3092 OF 2018

Vinayak Yashwant Ghadge	]	Petitioner
Vs.		
Pallavi Vinayak Ghadge	]	Respondent

.....
Mr. Kuldeep U. Nikam, for Petitioner.
Mr. Pradeep D. Dalvi, for Respondent.
.....

CORAM : R.G. KETKAR, J.

DATE : 29TH OCTOBER, 2018.

P.C.

Heard Mr. Nikam, learned Counsel for the petitioner and Mr. Dalvi, learned Counsel for the respondent at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner/husband has challenged the order dated 12th January, 2017 passed by the learned Principal Judge, Family Court, Kolhapur below Exhibit 6 in Petition No. A-58 of 2016. By that order, the learned trial Judge partly allowed the application filed by the respondent/wife and directed the petitioner to pay an amount of Rs. 20,000/- per month by way of interim maintenance to the respondent/wife and Rs. 10,000/- per month to their son from the date of application till decision of the Petition. The petitioner is further directed to pay an amount of Rs.10,000/- to the respondent/wife by way of litigation expenses.

3. The matter was heard at length on earlier occasion and was kept today for passing order. A perusal of the impugned order shows that the

petitioner herein did not file reply either to the main Petition or to the application Exhibit 6 for interim maintenance. After considering the material on record produced by the respondent/wife, the learned trial Judge passed the impugned order.

4. Learned Counsel for the parties submit that the impugned order may be treated as interim order. Mr. Nikam states that father of the petitioner Yashwant Ghadge is present in the Court. He has tendered photo copy of his Driving Licence which is taken on record and marked 'A' for identification. Upon taking instructions from him, Mr. Nikam assures that within 4 weeks from today, the petitioner will deposit arrears of maintenance as per the impugned order in the trial Court under intimation in writing to the learned Advocate for the respondent and will not seek further extension of time for depositing the amount. The petitioner will also file reply to Exhibit 6 within 4 weeks from today. The learned trial Judge will decide application Exhibit 6 afresh on its own merits in accordance with law un-influenced by the observations made in the impugned order.

5. The respondent is permitted to withdraw the amount so deposited by the petitioner unconditionally which shall be subject to the further orders on application Exhibit 6. In case, the petitioner succeeds, the learned trial Judge will direct that amount withdrawn by the respondent-wife shall be adjusted against the maintenance that may be awarded. It is made clear that the order is passed virtually by consent of the parties.

6. The Petition is disposed off in the aforesaid terms.

[R.G. KETKAR, J.]