

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8182 OF 2018

Prakash A. Jadhav .. Petitioner
vs.
Manish P. Jadhav .. Respondent

Ms Sonam Singh i/b Harshad Sathe for the Petitioner.
Mr. Kalpesh Patil for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 21 NOVEMBER 2018.

P.C. :-

1] Heard Ms Sonam Singh, learned counsel for the petitioner and Mr. Kalpesh Patil, learned counsel for the respondent.

2] On 25th September 2018, this Court made the following order:

“1. Mr.Sathe, learned counsel appearing for the petitioner on instructions agrees to deposit Rs.3,25,000/towards arrears of maintenance amount before the learned 4th Joint Civil Judge, Senior Division, Pune, within four weeks from today. Statement made by the learned counsel is accepted as an undertaking to this court. The respondent would be at liberty to withdraw the said amount unconditionally if deposited by the petitioner.

2. The learned 4th Joint Civil Judge, Senior Division, Pune, to act on the authenticated copy of this order.

3. If any, such amount is deposited there shall be stay to the impugned order dated 3rd October, 2017 passed by the learned 4th Joint Civil Judge, Senior Division, Pune. If the amount is not deposited within the time prescribed,

this writ petition shall stand dismissed without further reference to the Court. No extension of time would be granted.

4. The petitioner is directed to convey to the respondent after such deposit of such amount within 48 hours thereof to enable the respondent to withdraw the said amount before the learned 4th Joint Civil Judge, Senior Division, Pune.

5. Place the Writ Petition on 21st November, 2018, for directions.

6. Parties to act on the authenticated copy of this order.”

3] Ms Singh, learned counsel for the petitioner, states that in pursuance of the aforesaid order, the petitioner has deposited an amount of Rs.3,25,000/- towards arrears of maintenance before the Trial Court within the stipulated period. Mr. Patil, learned counsel for the respondent, confirms that this statement is correct. He states that the respondent has also withdrawn the said amount.

4] The challenge in this petition is to the order dated 3rd October 2017 by which the learned Trial Judge had stayed the further proceedings in Marriage Petition No. 755 of 2015 until the petitioner clears the arrears of maintenance which was due and payable by him to the respondent.

5] Now that the arrears have been cleared, the impugned order dated 3rd October 2017 is set aside.

6] Rule is accordingly, made absolute in the aforesaid terms. There shall however, be no order as to costs.

(M. S. SONAK, J.)