

Anand

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

WRIT PETITION NO. 11109 OF 2018

Tukaram Prakash Patil & ors.

.Petitioners

Vs.

Prakash Nivrutti Patil & ors.

.Respondents

Mr. D. B. Shinde, Advocate, for the Petitioners

Ms P. J. Gavhane, AGP, for the Respondent Nos. 4 & 5 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.10.2018

P.C.

. Heard learned counsel for the Petitioners.

2. Learned counsel for the Petitioners submits that the authorities have failed to consider that the Petitioners were always ready to look after the Respondent No. 1 and had not neglected or refused to maintain the Respondent No. 1.

3. Issue notice to the Respondent No. 1, returnable on **30.10.2018**. Hamdast permitted. Learned AGP waives notice on behalf of the Respondent Nos. 4 & 5 – State. In addition to Court

notice, Advocate for the Petitioners, to serve the Respondent No. 1 by Advocate's notice and file Affidavit of service before the returnable date. Notice to indicate that an endeavour shall be made to dispose off the Petition finally at the stage of admission.

4. In the meantime, the Petitioners shall continue to pay the amount awarded by the authority and will not commit breach of the said order until further orders.

5. The Petitioners without prejudice are also ready & willing to deposit Rs. 15,000/- towards litigation expenses that are likely to be incurred by the Respondent No. 1, in the Registry of this Court within two weeks from today.

6. Spare copies to be supplied in the Registry of this Court within one week from today, failing which the Petition shall stand dismissed for want of prosecution.

(REVATI MOHITE DERE, J.)