

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11389 OF 2017

Santosh Kumar Kalpanath Pandey ... Petitioner
Vs.
Pratima Santosh Pandey ... Respondent

Mr. A. M. Saraogi for Petitioner.
Mr. Avendra Kumar a/w. Ms Kiran Thakur i/b. Mr. K. R. Tiwari for
Respondent.

CORAM : R. G. KETKAR, J.
DATE : JUNE 29, 2018

P.C. :

Heard Mr. Saraogi, learned Counsel for the petitioner and
Mr. Kumar, learned Counsel for the respondent.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 15.03.2017 passed by the learned Principal Judge, Family Court, Mumbai below exhibit-18 in Petition No.E-231 of 2014. By that order, the learned trial Judge partly allowed the application filed under Section 125 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') and directed the petitioner herein to pay Rs.5,000/- per month, each, for the respondent and minor son Yogesh at the relevant time, towards interim maintenance from the date of the application i.e. 27.10.2016 till disposal of the Petition. In paragraph 2 of that order, the learned trial Judge noted that despite giving sufficing chances, petitioner failed to file any reply.

3. Mr. Kumar has tendered photocopy of the order dated 28.03.2018 passed by the learned trial Judge disposing of the main proceedings filed under Section 125 of Cr.P.C. The same is taken on record and marked 'X' for identification. A perusal of that order shows that petitioner

appeared before the Court. He, however, failed to file his say and matter proceeded without his reply to the Petition.

4. Mr. Saraogi submits that as the main proceedings itself are disposed of, the challenge to the interim order passed pending that proceeding is rendered infructuous and, therefore, he is not pressing this Petition.

5. In view thereof, Petition is dismissed as not pressed. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab