

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 3927 OF 2017

Mrs.Revati Dhiraj Dhamane.

...Petitioner

Versus

Mr.Dhiraj Balasaheb Dhamane.

...Respondent

Mr.S.M.Pandit i/b. Mr.S.R.Thite, for the Petitioner.

Mr.Rajesh A.More, for Respondent.

CORAM : G.S.KULKARNI, J.***DATE : 8 February 2018*****P.C. :**

1. Heard learned Counsel for the parties. After this petition was heard for some time and on perusal of the impugned order, in my opinion, the interest of justice would be met, by permitting the petitioner to make an application before the trial Court for enhancement of the amount of interim maintenance. The impugned order admittedly does not take care of all the appropriate contentions of the parties. The petitioner had moved an application in question seeking interim maintenance of Rs.15,000/-. However, much time has passed. As also according to the petitioner an amount of Rs.7000/- as granted by the trial Court is not justified in the facts and circumstances of the case.

2. Learned Counsel for the parties also inform that there are certain other applications in regard to the medical expenses and other mandatory claims which have been made on behalf of the petitioner, which are pending adjudication.

3. Thus the circumstances desire that the learned Civil Judge Senior Division shall adjudicate on all the pending applications as also considers the application as may be filed on behalf of the petitioner for enhancement the amount of interim maintenance. Learned trial Judge shall decide the said application without being influenced by the impugned order dated 7 January 2015. All contentions of the parties on merits of the matter are expressly kept open.

4. If such application is filed on behalf of the petitioner, considering the background of the litigation, it be decided as expeditiously as possible, and preferably on or before 30 April 2018.

5. Learned Counsel for the petitioner states that the petitioner shall move a necessary application within two weeks from today. Statement is accepted.

6. Petition is disposed of in the above terms. No costs.

(G.S.KULKARNI, J.)