

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2760 OF 2016

Sou. Anjali Virendra Bobade

...Petitioner

Versus

Shri Virendra Radhakrishna Bobade

...Respondent

....

Mr.Sachin Dhakephalkar I/b. S.R. Thengal, Advocate for Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 21st JUNE, 2018

P.C.

1. Heard Mr.Sachin Dhakephalkar, learned counsel for the petitioner, at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 1.9.2015 passed by the learned Judge, Family Court, Nashik in R.D. No.40/2011. By that order, the learned trial Judge held that the petitioner / decree holder is entitled to claim amount of permanent alimony from the date of judgment i.e. 14.11.2008. The learned trial Judge relied upon Section 25 of the Hindu Marriage Act, 1955 and held that the power is conferred on the Court to award permanent alimony from the date of passing of the decree.
3. Mr. Dhakephalkar invited my attention to the order dated 14.11.2008 passed by the learned Jt. Civil Judge, Senior Division,

Nashik in H.M. P. No.14/1998 and in particular clause-3 thereof, which is to the following effect:

“3. Respondent/husband do pay an amount of Rs.4000/- p.m. to the petitioner/wife as a permanent alimony.”

4. Mr. Dhakephalkar submitted that clause-3, extracted hereinabove, does not indicate as to from what date permanent alimony is payable, namely, whether from the date of presentation of the Marriage Petition or from the date of passing of the decree.

5. Mr. Dhakephalkar states that the petitioner is present in Court today. He has tendered a photo-copy of Aadhaar Card of the petitioner, which is taken on record and marked 'X' for identification. Upon taking instructions from her, Mr. Dhakephalkar seeks leave to withdraw this Petition with liberty to approach the trial Court for clarification of clause-3 of the operative part of the order dated 14.11.2008.

6. In view thereof, on the motion made by Mr. Dhakephalkar, the Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case. Order accordingly.

(R. G. KETKAR, J.)