

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION 212 OF 2018

(Tarun s/o. Madanmohan Das...vs..Susmita w/o. Tarun Das)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri U.R. Phasate, counsel for petitioner.

CORAM: ROHIT B. DEO, J.

DATE: 26th FEBRUARY, 2018.

Heard.

2 The petitioner, who is the respondent in Petition E-67 of 2018 is challenging two orders passed by the Judge, Family Court – 2, Nagpur. The first order dated 30.1.2018 below Exhibit 7 is an ad-interim order which directs the petitioner – husband to continue to pay rent of the premises which concededly are occupied by the respondent – wife.

3 The petitioner appeared before the Family Court on 9.2.2018. The petitioner sought time to file reply, and the learned Judge was pleased to post the petition on 12.2.2018. The respondent – wife moved an application Exhibit 17 seeking direction to the petitioner – husband to pay Rs. 50,000/- towards basic amenities. The learned

Judge of the Family Court fixed the petition on 14.2.2018. The second order which is impugned came to be passed on 14.2.2018 which directs the petitioner – husband to pay Rs. 25,000/- to the respondent – wife as interim measure which amount would enable the respondent – wife to have necessary amenities in the house.

4 I am not inclined to consider the contentions on merits.

5 Concededly, both the orders impugned are ad-interim orders. It would be appropriate if the petitioner responds to the applications by filing replies, which would be considered by the Judge, Family Court when the applications are decided on merits.

6 The learned counsel for the appellant assures that the amount of Rs. 25,000/- as directed by the Family Court will be deposited within a week.

7 Subject to the deposit of the amount, the learned Judge of the Family Court is requested to finally decide application Exhibit 7 and application Exhibit 17 within two weeks of the deposit of amount.

8 Needless to say, the petitioner shall be permitted

to file replies to the said applications, which shall be decided on merits, after hearing the parties and without being influenced by any observation in the orders earlier passed by the learned Judge of the Family Court.

9 The petition is disposed of in the above term.

JUDGE