

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

MISC. CIVIL APPLICATION (MCA) NO.1164 OF 2017
IN
WRIT PETITION NO.6882 OF 2015 (D)

Manish s/o Sudhakar Kamble, Chandrapur

-vs-

The Residence Dy, Collector, Chandrapur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri H. N. Potbhare, Advocate for applicant.
Ms H. Prabhu, AGP for respondent Nos. 1 and 2.
Shri P. P. Thakre, Advocate for respondent Nos.3 and 4.

CORAM : A.S.CHANDURKAR, J.
DATE : April 23, 2018

Prayer is made to recall the order dated 12/09/2017 passed in the writ petition and restore the same. On 12/09/2017 the petitioner and his counsel were absent. The arrears of maintenance were not deposited. On that account the writ petition came to be dismissed.

It is submitted that the arrears of maintenance till March 2018 have since been deposited and therefore the proceedings be restored.

The application is opposed by learned counsel for respondent Nos.3 and 4 on the ground that when the order was passed on 12/09/2017 there were arrears of maintenance.

Considering the fact that presently all arrears have been cleared till March 2018, an adjudication on merits is desirable.

In view thereof the order dated 12/09/2017 is recalled and the writ petition is restored to file. Needless to state that the petitioner shall continue to deposit the maintenance as ordered earlier.

Misc. Civil Application is allowed and disposed of.

JUDGE