

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2215 OF 2018

Mahesh s/o Dnyandeo Gaware,
Age-38 years, Occu-Service,
At present R/o Shriasgaon,
Tq.Shrirampur, Dist.Ahmednagar,
Permanent R/o United States

-- PETITIONER

VERSUS

Sonali Mahesh Gaware,
Age-31 years, Occu-Nil,
R/o Co/o Rajendra Shankarrao Daokhar,
Ward No.7, Purnawadnagar,
Shrirampur, Tq.Shrirampur,
Dist. Ahmednagar

-- RESPONDENT

WITH
WRIT PETITION NO.3633 OF 2018

Sonali w/o Mahesh Gaware,
Age-36 years, Occu-Nil,
R/o C/o Rajendra Dawkhar,
Ward No.7, Shrirampur,
Tq.Shrirampur, Dist.Ahmednagar

-- PETITIONER

VERSUS

Mahesh s/o Dnyandeo Gaware,
Age-42 years, Occu-Service and Agriculturist,
R/o Shirasgaon, Tq.Shrirampur,
Dist.Ahmednagar
At present R/o Flat No.5,
Sneha Heights,
Near Indira Nagar Police Station,
Above State Bank of Hyderabad,
Nashik

-- RESPONDENT

Mr.R.N.Dhorde, Sr.Counsel h/f Mr.M.H.Shaikh, Advocate for the petitioner/husband.

Mr.R.R.Karpe, Advocate for the respondent/wife.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 27/02/2019

ORAL JUDGMENT :

1. Pursuant to the developments that occurred in the hearing of this matter as recorded in the order dated 18/02/2019, the matter was posted today for both the sides to take a call on their respective offers and for the wife to consider the ill effects of lengthy and tardy litigation.

2. After hearing the respective sides today, it does not appear that the matter could be resolved. Consequentially, the husband informs that the offer stands withdrawn.

3. An affidavit has been filed by the husband dated 18/02/2019 indicating his hardships in so far as his employment in the United States of America is concerned. It is also stated that his income tax returns for the financial year 2018-2019 would indicate that his earnings are about dollars 15 thousand p.a. and the amount that he

receives in hand is about dollars 14 thousand per annum. It is further informed that this downfall in earnings has occurred on account of the change in policy, introduced by the new Government of U.S.A.

4. Since I find that fresh material is brought before the Court by the husband and which cannot be ignored, I called upon the respective sides to state as to whether it would be appropriate to permit the husband to place such material before the Lower Court and to enable the wife to counter the said material. The learned Senior Advocate appearing on behalf of the husband and the learned Advocate appearing on behalf of the wife suggested that as the proceedings in the Court below have been lodged in 2014, it would be in the interest of all the parties to have the main proceedings decided within a time frame.

5. While considering this matter earlier and since this Court was of a prima facie view that the interim maintenance amount of Rs.1,50,000/- per month was unjustified, that the husband was put to the terms of making the interim payment of Rs.75,000/- per month till this matter is worked out.

6. Now that it appears feasible to have the main proceedings before the Trial Court decided within a time frame, I find that the above view could be continued for a limited period so as to have the proceedings decided finally within a specific time frame.

7. In view of the above, both these petitions are disposed off with the direction that the Trial Court would decide HMP No.5/2014 as expeditiously as possible and preferably on or before 31/07/2019. The litigating sides would refrain from seeking unnecessary adjournments. Until then, the petitioner shall regularly pay the amount of Rs.75,000/- per month to the wife without a single default.

8. Notwithstanding the above, in the event the couple deems it appropriate to resolve their dispute on whatever terms mutually agreeable, they would be at liberty to do so.

9. The litigating sides would appear before the Trial Court on 11/03/2019. Formal notices are not necessary.

10. Rule is discharged.

(Ravindra V.Ghuge, J.)