

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 WRIT PETITION NO.12365 OF 2016

**PREMRAJ RAJARAM CHAVAN
VERSUS
LEENA PREMRAJ CHAVAN**

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Advocate for Petitioner : Mr. Savale Amit S.
Advocate for Respondent : Mr. Jadhav Satej S.

CORAM : P. R. BORA, J .

DATE : 26/07/2019

PER COURT :

1. The writ petition is heard finally with consent of the learned counsel appearing for parties.
2. The petitioner has challenged the order passed by the 4th Jt. Civil Judge, Senior Division, Jalgaon, on 04.11.2016 in H.M.P. No. 73/2016 thereby granting interim maintenance to the respondent herein at the rate of Rs. 2000/- per month till decision of the said petition. When the present writ petition is taken up for hearing today it is brought to my notice that under the orders passed by learned brother Justice Ghuge, an attempt was made for amicable settlement of all the disputes between the parties by referring the matter to the mediator. It is informed that there are certain other proceedings also going on between the parties. It is further informed that the endeavor

to settle the dispute by way of mediation has failed.

3. It is further brought to my notice by the learned counsel appearing for the petitioner that the petitioner is already paying maintenance to the respondent in the proceedings under Protection of Women from Domestic Violence Act. The learned counsel for the respondent is not having sufficient instructions in that regard. The learned counsel for the petitioner however has brought to the notice of this Court as well as the learned counsel for respondent that till this date petitioner has paid maintenance amount more than Rs. 5,00,000/- to the respondent. There seems no reason to disbelieve the statement so made by the learned counsel.

4. It is submitted by the learned counsel appearing for the respondent that the petitioner has not paid any amount towards interim maintenance as awarded in the Hindu Marriage Petition since the execution of the said order has been stayed by this Court. It appears to me that when the petitioner is paying to the respondent the maintenance in the proceedings under the Domestic Violence Act, that too more than Rs. 10,000/- per month, no prejudice can be said to have been caused to the respondent because of the interim order passed by this Court.

5. It appears to me that it would be in the interest of both the parties to proceed with the hearing of the Hindu Marriage Petition pending before the Civil Court. In the circumstances without going into the merits of the contentions raised in the present petition by both the parties as about the grant of interim maintenance, if following order is passed that would meet the ends of justice.

ORDER

1. The learned 4th Joint Civil Judge, Senior Division, Jalgaon, is directed to hear and decide Hindu Marriage Petition No. 73/2016 as expeditiously as possible, preferably within a period of six months from the date of this order.

2 The respondent shall not insist for the execution of the interim order passed in her favour which is impugned in the present petition.

3. The writ petition stands disposed of in the aforesaid terms.

(P.R. BORA, J.)

mkd