

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 143 OF 2017**

SHRI. SHAILENDRA NIVRUTTI NIKALJE ... Petitioner
V/s.

SMT. SHANGRILLA SHAILENDRA ... Respondent
NIKALJE

Ms. Priyanka Sharma I/by Mr. S.P. Ashok for Petitioner

**CORAM : SMT. SADHANA S. JADHAV, J
DATED : 6th June 2019.**

P.C. :

1. Heard learned counsel for the Petitioner. The respondent herein has filed a petition under section 13(i)(b) before the Civil Judge Senior Division, Satara i.e. Hindu Marriage Petition No. 150 of 2009 by judgment and decree dated 25th October 2012. The Hindu Marriage Petition was decreed in favour of the respondent. The learned Civil Judge Senior Division has granted alimony under section 25 of Hindu Marriage Act in the sum of Rs. 2 lakhs. A decree was drawn.

2. Being aggrieved by the judgment and decree dated 25th October 2012, the present petitioner has filed Regular Civil Appeal No. 10 of 2013 before the District Court at Satara. By an order dated 30th March 2015 the said appeal was dismissed for want of prosecution. The learned Appellate Court has observed that “*the*

appellant and his advocate are not appearing in the appeal since number of years. Today also they are absent till 3.45 p.m. The respondent and her advocate are present. Due to absence of appellant and his advocate on previous date the matter has been kept for dismissal order. Still the appellant is not ready to come before the court which shows that the appellant has lost interest in further proceedings and hence appeal is dismissed”.

3. Being aggrieved by the said order the petitioner herein has filed the present petition. In fact at the appellate stage in Miscellaneous Application No. 177 of 2016 the Court had directed the petitioner to deposit an amount of Rs. 2 lakhs towards costs and had stayed the execution of the judgment and decree dated 25th October 2015 in Regular Darkhast No. 157 of 2015, subject to depositing the permanent alimony.

4. On 17th July 2017 this Court had dismissed the petition for want of prosecution and the same was restored by an order dated 2nd April 2018. Perused the petition, the only contention of the petitioner is that the respondent had not claimed permanent alimony and the Court had granted the same on its own merits.

5. The learned counsel for the petitioner upon instructions submits that till today the said amount is not paid.

6. In view of this, there is no reason to interfere with the order passed by the Appellate Court for dismissing the petition for want of prosecution and hence Writ Petition stands dismissed.

(SMT. SADHANA S. JADHAV, J)