

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 3775 OF 2019

Mr. Dhiraj Balasaheb Dhamane

...Petitioner

Versus

Mrs. Revati Dhiraj Dhamane

...Respondent

....

Mr. Rajesh More, Advocate for the Petitioner.

Mr. Ravindra S. Pachundkar, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 04th APRIL, 2019

P.C.

1. Heard Mr.Rajesh More, learned counsel for the petitioner and Mr.Ravindra Pachundkar, learned counsel for the respondent, at length.

2. This Petition takes exception to the order dated 8.10.2018 passed by the learned 16th Jt. Civil Judge, Senior Division, Pune below Exhibit-132 in Marriage Petition No.446/2013. By that order, the learned trial Judge partly allowed the application made by the respondent and directed the petitioner to pay an amount of Rs.10,000/- per month to the respondent towards interim pendente lite (i.e. Rs.7,000/- initial + Rs.3,000/- enhanced) from the date of the application i.e. from 28.2.2018. The prayer for enhanced maintenance pendente lite for daughter Sanika was rejected.

3. Mr. More states that the petitioner is present in the Court today. Upon taking instructions from him, he states that the petitioner has paid the maintenance as per the impugned order and is not in arrears as on date. He only presses prayer clause (b) of the petition. By prayer clause (b), the petitioner has prayed for expediting the hearing of Marriage Petition No.446/2013 pending before the learned trial Judge and for deciding the same in a time bound manner.

4. As the petitioner is not pressing challenge to the impugned order and is only praying expeditious disposal of the Marriage Petition, I find that the request made by Mr. More is reasonable. Having regard to the fact that the Marriage Petition is instituted in the year 2013 under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (for short, 'Act'), the learned trial Judge is requested to expedite the hearing of the Marriage Petition. Liberty is reserved to the parties to apply for disposal of the petition in a time bound manner. Mr. More submitted that the petitioner has filed application Exhibit-123 on 22.12.2017 and till date the learned trial Judge has not decided that application. The learned Counsel for the parties further states that the next date of hearing before the trial Court is 17.4.2019. They assure that the parties will remain present on that date and proceed to argue the application Exhibit-123.

5. Mr. Pachundkar states that the respondent has filed application Exhibit-105 for issuing direction to the petitioner to deposit the amount directly in the bank account of the respondent. He states that the learned trial Judge may be directed to dispose of said application Exhibit-105.

6. In view thereof, the learned trial Judge requested to dispose of the application dated 22.12.2017 at Exhibit-123 as also application at Exhibit-105 within two weeks from 17.4.2019. While deciding these applications, the learned trial Judge will bear in mind the fact that the petition is instituted in the year 2013. The petition is disposed of in aforesaid terms with no order as to costs.

7. All concerned parties, including the trial Court, to act upon the authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)