

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

WRIT PETITION NO. 2934 OF 2020

OMKAR @ POPAT PANDITRAO KARAD
VERSUS
VIJAYSHREE OMKAR @ POPAT KARAD

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Advocate for the Petitioners : Shri B. N. Palve

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 21st FEBRUARY, 2020

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PER COURT :

1. This petition has been filed by the Petitioner - husband for seeking modification of the impugned order dated 23/09/2019 in Misc. Civil Application No. 80/2019, vide which, he is directed to deposit costs of Rs. 20,000/- for restoring his divorce proceeding.

2. The learned Advocate for the Petitioners submits that he did not comply with the impugned order dated 23/09/2019 and has filed this petition on 10/02/2020. He admits that the interim maintenance granted by the Court has not been paid by him and he is in arrears. His HMP No. 445/2013 seeking divorce, was

dismissed on 13/03/2019 as he did not comply with the orders of the Trial Court. His Writ Petition No. 4465/2016 as against the interim maintenance granted, is also pending in this Court and as he did not deposit the arrears, no relief has been granted.

3. *Prima-facie*, I find that the Petitioner is not complying with several orders of the Trial Court and has not paid maintenance amount to the Respondent - wife. I, therefore, called upon the Petitioner to state whether he would deposit Rs. 20,000/- as directed by the Trial Court as a condition for restoring his divorce proceedings and further amount of Rs. 20,000/- towards the costs for continuously engaging the wife in litigation without making any payments, the learned Advocate, on instructions, has flatly refused to deposit any amount.

4. In view of the above, I do not find that this is a fit case for this Court to exercise its discretion under Article 227 of the Constitution of India.

5. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-