

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12833 OF 2017

Dipak Appa Ibhad	.. Petitioner
Versus	
Pooja Dipak Ibhad	.. Respondent

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Ms. Yogita Kuveskar i/b Priyal G. Sarda for the petitioner.
Ms. Pranjal Khatavkar i/b Shriram Kulkarni for respondent no.1.

CORAM: BHARATI DANGRE, J.
DATED : 5th MARCH 2020

P.C:-

1 Petitioner in the proceedings is the husband who raised a challenge to the order passed by the Family Court directing him to pay interim maintenance to the wife and his minor child. The order impugned is dated 29th May 2017.

2 While issuing notice on 6th December 2017, this Court directed the petitioner to deposit the arrears of interim maintenance without prejudice to his rights and contentions. The deposit was directed to be made on or before 5th January 2018. The petitioner and his counsel then remained absent on the next date of hearing i.e. 11th January 2018.

Tilak

3 On 13th June 2019, in presence of the learned counsel for the petitioner, this Court passed the order directing the petitioner to deposit an amount of Rs.75,000/- within two weeks from the date of passing of the order in the Family Court at Pune. There was no compliance of the said order and on 3rd July 2019, this Court granted liberty to the respondent to proceed with the execution proceedings or distress warrant. On 22nd August 2019, the counsel appeared for the petitioner and made a statement that they are not in touch with the petitioner and the counsel sought discharge. This Court directed that the counsel should sent a notice to the petitioner and a copy of which to be placed on record. Again on 30th August 2019, the same situation continued. Learned counsel for the petitioner place on record the notice sent to the petitioner. Left with no alternative, Court issued notice to the petitioner to find out whether he wants to proceed with the matter or not. On 27th September 2019, none appeared for the petitioner.

4 The office noting, however, reveal that notice issued to the petitioner is yet to be returned. However, on 4th March 2020, office had made a noting that notice issued to the petitioner is served with acknowledgment.

5 Today, when the matter is called out, neither the petitioner is present nor any counsel engaged by him represent him. Looking to the chronology and sequence of events which had transpired in the present petition, petitioner do not deserve any further indulgence.

6 Writ Petition is dismissed for want of non prosecution.

SMT. BHARATI DANGRE, J