

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.1028/2017

Maruti s/o Sadhuji Sukhadeve .vs. Sau. Kamal w/o Maruti Sukhdeve and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P. P. Pendke, Advocate for petitioner.
Mr. Kharkate, Advocate holding for Mr. R. M. Mardikar,
Advocate for respondents.

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 11, 2020

Heard Mr. Pendke, learned counsel for petitioner
and Mr. Kharkate, learned counsel holding for Mr. Mardikar,
learned counsel for respondents.

Learned counsel for the petitioner has filed Pursis
No.611/2020 along with Death Certificate of the petitioner.
This writ petition was filed on 13.10.2017, challenging the
order passed by learned Principal Judge of Family Court,
Nagpur dated 08.03.2017 in Petition E-497/2015. By the
said judgment and order, learned Principal Judge, Family
Court, Nagpur has partly allowed the petition filed on behalf
of the respondents herein and directed the petitioner Maruti
to pay maintenance of Rs.2500/- per month to each of the
respondents.

This writ petition was admitted by this Court
(Coram: Z. A. Haq, J.) on 05.09.2018 and also ad interim
stay was granted in favour of the petitioner.

Be that as it may, during the pendency of the present petition, petitioner-Maruti has expired. The petitioner is not having any other legal representative except respondent no.1-Kamal (wife) and respondent no.2-Nilima (daughter), is the submission made by both the learned counsel.

The statement is accepted.

Since the petitioner has expired leaving no other legal representative, the petition can be disposed of as infructuous. It is always open for the respondents, being the only legal representatives of deceased Maruti, to claim appropriate share in the property left behind by deceased.

With this, the writ petition is disposed of.

JUDGE