

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

**REVIEW APPLICATION (CIVIL) NO.14 OF 2021
IN WP/6859/2018**

**DEVIDAS SUKDEO GHATE
VERSUS
HARSHIDA DEVIDAS GHATE**

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Advocate for the Applicant : Shri Patil Vijay Y.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th March, 2021

Per Court:

1. This Review Application was filed by the applicant/ husband on 19.03.2020 for seeking review of the order passed by this Court on 07.03.2020 in Writ Petition No.6859/2018.
2. I have heard the learned advocate for the applicant and have perused the grounds set out in the Review Application.
3. A paltry amount of Rs.4000/- was granted by the Trial Court as maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955 towards monthly maintenance. The learned advocate for the applicant concedes that the amount has not been deposited before the Trial Court.
4. In the order dated 07.03.2020, this Court had issued

directions in paragraph 7, which read as under :-

- “7. In view of the above, this Writ Petition is disposed off with the following directions :-
- (a) The petitioner/ husband shall deposit the arrears of maintenance as is granted by the order dated 17.11.2017 before the Trial Court in HMP No.55/2015 on or before 15.04.2020.
 - (b) After the amount is deposited, the respondent/ wife would be at liberty to withdraw the same as the said financial assistance would enable her to support herself.
 - (c) The Trial Court shall endeavour to decide HMP No.55/2015 as expeditiously as possible and in any case, on or before 31.10.2020. The parties shall render fullest cooperation to the Trial Court and shall not seek unnecessary adjournments.
 - (d) If the petitioner/ husband does not deposit the arrears as directed above, the Trial Court would be at liberty to pass an order of striking off his defence/ dismiss his case.
 - (e) The payment of maintenance pendente lite till the decision of the proceeding would not cause prejudice to the allegation of the petitioner that the respondent is not his wife.
 - (f) While deciding the said proceeding, the Trial Court would consider the oral and documentary evidence available and the decision delivered by the learned Family Court, Dhule in Petition No.E-7/2018 on 28.03.2019.
 - (g) If it is noticed that the wife is adjourning the proceedings unnecessarily, the Trial Court would be at liberty to consider whether, to continue or reduce the maintenance pendente lite after 31st October, 2020.”

5. Keeping in view the law laid down by the Honourable Supreme Court in *Lily Thomas vs. Union of India, AIR 2000 SC 1650*, I do not find that any ground has been made out by the review applicant which would justify the reviewing of the order dated 07.03.2020. So also, since April, 2020 till today, the applicant has not paid monthly maintenance to the wife.

6. In view of the above, this Review Application is rejected with costs of Rs.5000/- (Rupees Five Thousand) to be deposited before the

learned Civil Judge, Senior Division at Dhule in HMP No.55/2015, on or before 15.04.2021. On deposit of the amount, the respondent (Harshida Devidas Ghate) would withdraw the said amount without conditions.

7. The registry of this Court shall communicate this order to the learned Court at Dhule.

kps

(RAVINDRA V. GHUGE, J.)