

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.7044 OF 2021

MADHUDAS BANSIDAS BAIRAGI
VERSUS
KIRTIKA MADHUDAS BAIRAGI

...
Advocate for Petitioner : Mr.Ambilwade Saisagar A.
...

CORAM : **SANDEEP K. SHINDE , J.**

Date :- 03rd July, 2021.

P. C. :

1. Heard Mr. Ambilwade, learned counsel for petitioner.
2. Order dated 15th September, 2018, passed under Section 24 of the Hindu Marriage Act in H.M.P. No. 152 of 2016, was challenged in appeal along with an application seeking condonation of 12 months and 20 days delay.
3. Learned District Judge, Bhusawal, denied to entertain the application in view of law laid down by this Court in **Sunil Gupta Vs. Payal**, AIR1991, Bombay 423.
4. Mr. Ambilwade , learned counsel for the petitioner fairly submits that he shall adopt the appropriate proceedings before the appropriate Court against the order dated 15th September, 2018, whereby, the maintenance was denied to the petitioner. Therefore,

Mr. Ambilwade, learned counsel for the petitioner, on instructions, seeks leave to withdraw the petition.

5. Leave granted.

6. Petition is disposed of as withdrawn.

7. In the event, the petitioner challenges the order dated 15th September, 2018, passed under Section 24 of the Hindu Marriage Act, in H.M.P. No. 152 of 2016, the Court concerned shall decide the said application on its own merits and delay caused thereto, shall be liberally construed, in terms of Section 14 of the Limitation Act.

8. Petition is disposed of in the aforesaid terms.

(SANDEEP K. SHINDE)
JUDGE

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