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

**CIVIL APPLICATION NO.9038 OF 2018
IN FCAST/19213/2018**

**JAYSHREE NITIN SWAMI
VERSUS
NITIN SHANTAPPA SWAMI**

....
Ms. Kavita S. Bhale, Advocate for applicant;
Mr. M.C. Swami, A.G.P. for respondent

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, J.**

DATE : 26th November 2021

ORAL ORDER :

1. The learned Advocate for the appellant submits that the only purpose for which the appellant is before the Court is that the learned Trial Court dealing with Hindu Marriage Petition No.13 of 2016 which was a joint application for divorce by consent, did not grant permanent alimony while allowing the petition on 1.2.2017.

2. Having perused Section 25 of the Hindu Marriage Act, 1955, we find that the parties could move the same learned Court which delivered the judgment on 1.2.2017. The appellant could move an application before the Court for seeking a direction as regards permanent alimony and maintenance.

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3. The learned Advocates for the respective sides are agreeable.

4. In view of the above, the Civil Application is disposed off and the First Appeal (St.) No.19213 of 2018 also stands disposed off with liberty to the appellant to prefer an application under Section 25 of the Hindu Marriage Act, 1955.

5. In the event of such an application being filed within two months from today, we request the learned Court to decide the said application as expeditiously as possible and preferably on or before 30.06.2022. We make it clear that we have not expressed any view about Section 26 dealing with custody of the children under the Hindu Marriage Act, 1955 and the parties are at liberty to avail of a remedy, if so advised.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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