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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.597 OF 2022

Jitendra Sunil Bedse

PETITIONER

VERSUS

Varsha Jitendra Bedse

RESPONDENT

.....

Mr. Anudeep D. Sonar, Advocate for the petitioner

Mr. Shrikrashna B. Solanke, Advocate for the respondent

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st MARCH, 2022

ORDER :

1. The petitioner challenges order dated 16th January, 2020 passed by Family Court, Dhule below Exhibit-25 in Hindu Marriage Petition No. C-07 of 2019, thereby partly allowing the petition and directing the husband to pay monthly maintenance to the wife @ Rs.7000/- per month from the date of filing of the petition.

2. Heard learned advocate for the petitioner and learned advocate for the respondent. Perused the documents annexed along with the writ petition.

3. Admittedly, the impugned order is *ex parte*. It appears from the record that before passing the impugned order, notice

of the proceedings, filed by the wife, was never served on the husband. In this view of the matter and with a view to give reasonable and fair opportunity to the petitioner husband, to contest the matter on merits, the impugned order dated 16th January, 2020 passed by Family Court, Dhule below Exhibit-25 in Petition No.C-7 of 2019 is hereby quashed and set aside.

4. The family court shall decide the petition filed by the wife, in accordance with law, on its own merits, within a period of three months from the date of receipt of writ of this order, by affording opportunity of hearing to both the parties. The parties shall co-operate in expeditious disposal of the matter.

5. However, in the facts of the present case, the challenge of the petitioner husband to the order passed below Exhibit-14, whereby directions are given to deduct installment of Rs.5000/- per month from the salary of the petitioner – husband is rejected. The order passed by the Family Court below Exhibit-14 is maintained till final decision of the petition No. 7 of 2009.

6. With aforesaid directions, writ petition is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE