

BDV

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

922 WRIT PETITION NO.561 OF 2009

ROMESH NARAYAN PRASAD PETHIYA
VERSUS
PRABHAVATI ROMESH PETHIYA AND ANR

Advocate for Petitioner : Mr. P. S. Shendurnikar;
Mr. V.P.Narwade And Manjushri V.Narwade, Advocates for
Respondent No.1.

**CORAM : PRITHVIRAJ K.CHAVAN ,J.
DATE : 2nd MARCH, 2022.**

PER COURT :-

1. Learned Counsel Mr. Shendurnikar for the petitioner, by pursis dated 14th February, 2022 seeks retirement from the matter. In support, he has tendered an acknowledgment of the said notice as well as the postal receipt. In view of the same, Mr. Shendurnikar stands discharged as an advocate representing the petitioner in this matter.

2. On 25th January, 2022, this Court had passed the following order, -

"1. Civil Application No. 12387/2021 is taken out for direction to the respondent to deposit arrears of maintenance amount of Rs. 1,82,000/- pursuant to the order dated 18.1.2010 passed by this Court. It is also prayed that the stay granted on 09.02.2009 may be vacated.

2. It is high time taht the petition itself is taken up for hearing since it is pending since the year 2009.

(2)

3. The counsel for the respondent states that he has lost his touch with his client but he will make every endeavour to establish contact with him and if not, the Court may proceed.

4. Taking note of the fact that the applicants are without any maintenance, list the writ petition for final hearing on 17th February, 2022. on supplementary board.

5. Civil Application stands disposed off in the wake of the petition itself being listed for hearing. `

3. It is apparent from the order that even the counsel, who has been discharged today, had lost touch with the respondent-husband, from which, it can be inferred that despite filing of the petition, he does not wish to prosecute it further, which is pending since the year 2009. Apart from that, the arrears of the amount of maintenance now mounted to around Rs.1,82,000/-.

4. In that view of the matter, Registry is directed to issue notice to the petitioner to engage another counsel, if so advised, and to clear the arrears of maintenance within a period of six weeks from today, failing which, the petition shall stand dismissed without further reference to the Court.

(PRITHVIRAJ K.CHAVAN, J.)

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