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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 210 OF 2020

TILOTTAMA SWAPNIL LAMKANE

....PETITIONER

V/s.

SWAPNIL UTTAMKUMAR LAMKANE

....RESPONDENT

Mr. Vishwanath S. Talkute Advocate for the Petitioner

Mr. Milind Prabhune i/b Sarang S. Aradhye for Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 8, 2022.

P.C.:

1) This Petition is directed against the order passed below Exh. 23 in Civil Misc. Application No. 134 of 2019 by learned District Judge-1, Pandharpur wherein interim relief granted in favour of the Petitioner came to be vacated as the Petitioner has not cooperated in expeditious disposal of the matter.

2) Petitioner suffered Decree for restitution of conjugal rights on 30/03/2019 passed by Jt. Civil Judge Senior Division, Pandharpur which was subject matter of challenge in Appeal which was

accompanied with Application for condonation of delay as Appeal was delayed by 5 months and 27 days.

3) Learned District Judge, pending consideration of prayer for condonation of delay on 07/10/2019 was pleased to allow Application Exh. 5 and stayed the execution.

4) It appears that after the the interim relief was granted by Appellate Court, Petitioner has not cooperated in disposal of the said proceedings as a consequence of which impugned order came to be passed.

5) At this stage, learned counsel for the Petitioner informs that stay was already continued by this Court vide order dated 10/01/2020 and as such, same is in operation for period of last two years. According to him, Petitioner shall on the next date of hearing conclude the argument of condonation of delay and as such, stay may be continued till decision of condonation of delay Application.

6) Learned counsel for Respondent has strenuously objected to the same as according to him, interim relief came to be vacated by a reasoned order as the Petitioner who claims equity was found to be not cooperating in expeditious disposal of the Appellate proceedings.

According to him, Petition is liable to be dismissed.

7) I have considered said submissions.

8) It appears that this Court vide order dated 10/01/2020 has continued the interim in favour of the Petitioner and same is in operation for last two years in the present petition and before that for about three months in the Appeal.

9) That being so, interim relief ordered by this Court on 10/01/2020 is continued for a period of 6 weeks from today.

10) Statement made by the counsel for the Petitioner that he shall conclude the arguments on condonation delay Application within period of 4 weeks from today, if required by taking case on board is accepted as an undertaking. Subject to above, Petition stands disposed of.

[NITIN W. SAMBRE, J.]