

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.447 of 2022

Radhika Rohit Sawale (Saraswati Rajendra Honrad)	..	Petitioner
Versus		
Rohit Rajshekhar Sawale	..	Respondent

...

Mr.Ashok. B. Tajane for the petitioner.
Mr.Vaibhav Gaikwad for the respondent.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 17th JANUARY, 2022

P.C:-

- 1 Leave to amend the prayer clause.

- 2 By this Petition, the petitioner – original applicant wife in Petition A-21/2018 filed before the Family Court at Solapur, is aggrieved by the order dated 6/12/2021 passed by the learned Family Court, vide which ‘No Cross’ order has been passed against her. So also, she is aggrieved by the impugned order granting instalments to the husband.

- 3 I have considered the submissions of the learned counsel for the respective sides. The grievance of the petitioner appears to be that the respondent husband is in arrears of

maintenance amount and execution proceedings have already been initiated against him for recovery of the said amount. If the pending proceedings A-221/2018 are finally disposed off, hardships would be caused to the petitioner as the arrears would mount and the husband would get away without paying the arrears of maintenance amount.

4 It calls for no debate that when the beneficiary of the maintenance amount seeks execution of the order directing payment of maintenance, the concerned Court has the authority to pass effective orders. However, that would not mean that the applicant wife could delay her proceedings by declining to cross-examine the husband only on the ground that the husband is in arrears. The petitioner is not rendered remedyless.

5 The learned counsel for the respondent husband submits that the Family Court has granted instalments to the husband for clearing the arrears and also for paying regular maintenance. The husband would be obliged to comply with the said directions.

6 It is informed that the proceedings before the learned Family Court at Solapur are posted tomorrow i.e. 18/1/2022.

7 In view of the above, this Petition is disposed off with the following directions:-

- (a) The respondent husband shall be duty bound to pay the instalments of the maintenance amount as granted by the learned Family Court.
- (b) The order of No cross dated 6/12/2021 shall stand quashed and set aside.
- (c) The learned Family Court would adjourn the matter on 18/1/2022 and post the matter on 25/1/2022 at 11.00 am to enable the petitioner to cross-examine the respondent.
- (d) The respondent shall ensure his presence on the said date and subject himself to cross-examination.

(RAVINDRA V. GHUGE, J.)