

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4279 OF 2017

Pravin Wamanrao Hajare Vs. Pratibha Pravin Hajare

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Smt. S.W. Deshpande , Advocate for

CORAM : AMIT BORKAR, J.

DATE : AUGUST 19, 2022.

By this petition under Article 227 of the Constitution of India, petitioner is challenging the order passed by the Family Court, Amravati dated 21st September 2016 rejecting objection raised by petitioner-husband.

2. Petitioner-husband raised two objections; (i) execution before the Family Court is not maintainable and (ii) the decree-holder is entitled to claim arrears for a period of 11 months only.

3. On perusal of impugned order, it appears that the learned Family Court has adjudicated upon first objection holding that the Family Court has jurisdiction to entertain execution proceedings. Insofar as second objection raised by petitioner is concerned, the same is not adjudicated by the Family Court. It is necessary to adjudicate upon the objection raised by petitioner in paragraph (3) of application dated 2nd December, 2015.

4. The petition is, therefore, disposed of with a direction to the Family Court, Amravati to decide the objection raised in paragraph (3) of the application dated 2nd December, 2015. No costs.

JUDGE

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