

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

**REVIEW APPLICATION (CIVIL) NO.102 OF 2023  
IN WP/14212/2017**

**SAMBHAJI GENBA WAGHMARE  
VERSUS  
GAYABAI W/O SAMBHAJI WAGHMARE**

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Advocate for Applicant : Mr. Kedar S. Warad  
Advocate for Respondent : Mr. M.B. Sandanshiv

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 10<sup>th</sup> APRIL, 2023**

**PER COURT :**

1. By this application, applicant seeks review of the order dated 21/07/2022, passed by this Court in Writ Petition No.14212/2017, thereby allowing application of the applicant subject to the applicant depositing 50% amount of arrears within a period of 12 weeks.
2. Contention of the applicant is that the said condition is onerous and if the said amount is not deposited, first appeal filed by the applicant would not be entertained.
3. Heard learned advocate for applicant and learned advocate for respondent. Perused the grounds raised in the application and documents placed on record.
4. Learned advocate for applicant has placed reliance on

*State of Orissa and Others Vs. Sibaram Baral (Simaram Barai) [(1996) 10 SCC 93], Kayamuddin Shamsuddin Khan Vs. State Bank of India [(1998) 8 SCC 676], Sihor Nagar Palika Bureau Vs. Bhabhlubhai Virabhai and Co. [(2005) 4 SCC 1], B.P. Agarwal and Another Vs. Dhanalakshmi Bank Ltd. and Others [(2008) 3 SCC 397], Times Global Broadcasting Company Limited and Another Vs. Parshuram Babaram Sawant [(2014) 1 SCC 703] and Anil Tukaram Gawde Vs. Sunita Anil Gawade and Another [2018 SCC OnLine Bom 17237], in support of his submission.*

5. This Court has exercised discretion in favour of the applicant and while exercising discretion imposed condition to deposit 50 % of the arrears of maintenance amount. In that view of the matter, no case is made out by the applicant to entertain this review application. Review application being devoid of merit is dismissed.

6. By the order under review, 12 weeks time was granted to the applicant to deposit said amount which is over by now. Learned advocate for applicant, therefore, requests that the said period be extended so as to enable applicant to deposit said amount. Time to deposit the said amount is extended by 10 weeks.

(NITIN B. SURYAWANSHI, J.)