

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2226 OF 2016

Shivaji Bajirao PatilPetitioner
V/S
Nilabai Samadhan Patil & Ors.Respondents

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Ms. Manjiri S. Parasnis for the Petitioner.

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CORAM: SANDEEP V. MARNE, J.
DATE : 24 MARCH 2023.

P.C.:

1 By this Petition Petitioner challenges order dated 17 January 2013 passed by the Civil Judge Junior Division, Jat in Regular Civil Suit No.101 of 2014.

2 Regular Civil Suit No.101 of 2014 is filed by the widow daughter-in-law of the Petitioner/Defendant No.1 for partition, separate possession, injunction, mesne profits and declaration. In that suit Plaintiff filed Application at Exhibit 12 for interim maintenance of Rs.10,000/- for herself and for her daughter from Defendant No.1/Petitioner. By order dated 17 January 2015, the trial Court has awarded interim maintenance at the rate of Rs.4,000/- per month to the Plaintiff from the date of Application.

3 The trial Court has observed that the Defendant No.1 is in possession of agricultural land and earning income out of the same. That Plaintiff has no source of income to take care of herself and her daughter. Considering these factors the trial Court has deemed it fit to award interim maintenance of Rs.4,000/- per month.

4 The impugned order is passed on 17 January 2015.

5 Though this Petition is lodged on 10 March 2015, no interim order is passed in the present Petition. Considering the reasons recorded by the trial Court and also the fact that the impugned order is in operation for the last 8 long years, I do not think this to be a fit case warranting interference by this Court under Article 227 of the Constitution. The Regular Civil Suit No.101 of 2014 has been pending for last 9 years. The Petitioner can instead make efforts before the trial Court for expeditious hearing. The Writ Petition is accordingly dismissed. No order as to costs.

(SANDEEP V. MARNE, J.)