

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10172 OF 2023

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RAMESH
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Date: 2023.10.07
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Vinay Mohan Lohar

... Petitioner

V/s.

Tejal Vinay Lohar

... Respondent

Mr. Kishor Patil i/by Mr. Dilip Shinde for the petitioner.

Mr. Sachin Daga with Ms. Shreyrshi Panda for the respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 6, 2023

P.C.:

1. Challenge in this petition under Article 227 of the Constitution of India is to the order dated 13th July 2023 passed by the Judge, Family Court No.4, Mumbai allowing applications below Exhibit-59 seeking relief of striking off the defence of the petitioner for non-payment of interim maintenance and for issuance of warrant of arrest for non-payment of interim maintenance.

2. On perusal of the record, order directing payment of maintenance as of the date of passing of the impugned order was in subsistence. The order of interim maintenance was passed on 28th April 2017. Till the filing of application, arrears of interim maintenance were Rs.14,35,000/-. Therefore, the exercise of

jurisdiction by the Family Court directing the respondent to pay arrears of maintenance within one month, failing which defence of the petitioner would stand struck off and issuance of arrest warrant against the petitioner under Order 21 Rule 37 of the Civil Procedure Code, 1908, cannot be faulted. Hence, there is no merit in the petition.

3. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)