

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.15571 OF 2023
IN
WRIT PETITION NO.2775 OF 2023

Mr. Anil Datta Ghavat

...Applicant/
Petitioner

Versus

Smt. Meena Anil Ghavat alias
Ms. Meena Kaka Hajare & Ors.

...Respondents

Ms. Manisha K. Keswani, *for the Applicant/Petitioner.*
Mr. Anil M. Dubey with Anuradha Dastane, *for the Respondent*
Nos.1 and 2..

CORAM Dr. Neela Gokhale, J.
DATED: 9th October 2023
(in Chamber)

PC:-

1. By order dated 22nd August 2023, the petition was dismissed for want of prosecution since the record of proceedings indicated that the Petitioner-Applicant had failed to provide a copy of the petition to the Registry for issuance of service. The Petitioner-Applicant was enjoying an interim stay regarding payment of interim maintenance as directed by the trial Court. The Petitioner-Applicant has made an application for restoration of the Writ Petition and brought to my notice that the Respondent-Wife had

appeared with her advocate before this Court on the very first date on which the interim relief was so granted.

2. Considering the pleadings in the restoration application, I find that sufficient ground has been made out for restoring the petition to the original file. However, there still remain outstanding dues towards maintenance to the tune of about Rs.3 Lakhs as per the contention of the Petitioner-Applicant himself.

3. In view of the foregoing, ends of justice will be secured, if the petition is restored to its original file subject to the Petitioner-Husband depositing Rs.50,000/- towards part payment of arrears of interim maintenance to the Respondent-wife within a period of one week from today and further amount of Rs.50,000/- on or before 9th November 2023. He is directed to deposit the said amount directly in the account of the Respondent-wife either by way of a bank transfer or by depositing a cheque in her account. The learned counsel for the Respondent-wife will share the details of her bank account with the Petitioner-husband during the course of the day.

4. Accordingly, Interim application is allowed and the petition is restored to its original file for hearing on merits.

5. It is also agreed between the parties that the Respondent-Wife will give a proposal for an amicable settlement of the matter to her counsel, who will in turn exchange and discuss the same with the counsel for the Petitioner-Husband and endeavour to resolve the issues by the next date.

6. Learned counsel for the Petitioner-Husband is also directed to place on record the amended copy of the memo of the petition in terms of the order dated 22nd August 2023 in-as-much as the Respondent Nos.3 and 4 have been deleted from the array of the parties. It is also seen that the deleted Respondents are also shown as parties in the present application seeking restoration of the petition. The said Respondents stand deleted from the said Interim Application. Respondent-Wife is permitted to file a reply affidavit within a period of three weeks from today with an advance copy to the Petitioner.

7. List on 23rd November 2023.

(Dr. Neela Gokhale, J)