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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2137 OF 2024

Arun Narayan Bawalekar ... Petitioner

Versus

Neelam Arun Bawalekar ... Respondent

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Ms. Prachi Deokar a/w. Sai P. Kadam a/w. Azharudding Khan i/b. Ajit
Kejale for Petitioner.

Mr. Shahaji Waghmode for Respondent.

.....

CORAM : RAJESH S. PATIL, J.

DATED : 15th MARCH 2024

P.C. :-

1. The Writ Petition challenges order dated 5 August, 2023 passed by the Civil Judge, Senior Division, Wai, in Marriage Petition No. 173 of 2023, thereby rejecting the earlier relief granted to the Petitioner(husband).

2. By an order dated 3rd April, 2023, the application of the petitioner husband of setting aside the order of 'No WS' was allowed subject to the payment of cost of Rs.300/- to the applicant.

3. Mr.Deokar, learned counsel appearing for the petitioner submits that the petition made all efforts to pay the cost of Rs.300/- to the applicant (wife). However, she refused to accept the cost. Therefore, the petition though was willing to pay the cost, the Court held that the petitioner has not complied with the directions given by this Court.

4. He therefore, further submits that after the order was passed by

this Court on 15th February, 2024, the petitioner (husband) has complied with the directions.

5. Mr. Shahaji Waghmode, learned counsel for respondent (wife) submits that the petitioner is not at all cooperating with the hearing of the Hindu Marriage Petition No. 173/2023 pending before the Civil Judge, Senior Judge, Wai. He submits that the petitioner (husband) is running a hotel at Mahabaleshwar. He submits that he has very good income, but he is neither caring of his wife and nor caring of his two daughters, who are studying in B.SC. and 12th Std. He submits that the husband except filing various individual complaints against the respondent (wife) in Mumbai, has show reluctance to appear before the Wai Court. He submits that the husband should be put to terms, if this Court is inclined to allow this Petition.

6. I have heard both the parties and I have gone through the record. It appears to me that there is some substance in the submissions that the petitioner (husband) is purposely not attending the hearing before the Family Court at Wai, in order to harass respondent (wife).

7. However, the limited issue before me is whether the order of No WS can be set aside ?

8. Subject to a payment of cost of Rs.50,000/- to the respondent (wife) to be paid within a period of one week from today, the impugned order dated 3rd November, 2023 passed by the Civil Judge, Senior Division, Wai is quashed and set aside.

9. If the cost is paid, the hearing and disposal of the Hindu Marriage Petition NO. 173/2023 pending before the Civil Judge, Senior Division, Wai is expedited. Both the parties are directed to attend the Court of Civil Judge, Senior Division, Wai and the Court shall not allow

unnecessary adjournments at the time of hearing.

10. The Interim Maintenance Application filed by respondent (wife) seeking maintenance for younger daughter Shravani is hereby expedited. The Civil Judge, Senior Division, Wai is directed to decide the same within a period of four weeks from today.

11. Writ Petition is disposed off.

(RAJESH S. PATIL, J.)