

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3164 OF 2024

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2024.03.07
11:04:13 +0530

VASANT
ANANDRAO
IDHOL

Madhukar R. Shedbalkar & Anr. ...Petitioners

V/s.

Rajaram G. Shedbalkar ...Respondent

Ms.Tanvi Phatak i/b Mr.Sachin Hande for the Petitioners.

CORAM : RAJESH S. PATIL, J.

DATE : 5TH MARCH, 2024.

P.C. :-

1. This Writ Petition challenges the impugned order dated 29 March 2023 passed by the Family Court at Sangli.
2. By the impugned order, the Family Court at Sangli directed Petitioner Nos.1 and 2 to pay monthly compensation of Rs.5,000/- each to the Respondent, who is their father.
3. Ms.Phatak appearing for Petitioner Nos.1 and 2 submits that the Respondent, who is the father of the Petitioners, is addicted to alcohol. She further submits that the Petitioners

are always ready and willing to perform their moral duties towards their father. She submits that the mother of the Petitioners, who is the wife of the Respondent, is staying with the Petitioners. She submits that the mother is supporting the stand taken by the Petitioners. She submits that the Respondent has also filed an Injunction Suit in the year 2021 against the Petitioners and against his own wife, who is the mother of the Petitioners before Civil Judge (Junior Division), Sangli. She submits that the Injunction Suit is pending for hearing and final disposal. She also submits that settlement talks are in process, however, the Respondent surreptitiously even when the settlement talks, was proceeded with the maintenance application and hence *ex-parte* impugned maintenance order was passed.

4. Issue notice to the Respondent, returnable on 2 April 2024. Apart from the Court notice, the Petitioners are permitted to serve the Respondent by all permissible modes of service and file affidavit of service.

5. In the meanwhile, till further order, there will be *ad-*

interim relief in terms of prayer clauses (b) and (c) of the Petition till the next date of hearing. Prayer clauses (b) and (c) read as under :-

“(b). This Hon’ble Court be pleased to stay the effect, implementation and/or operation of the impugned order dated 29.03.23, passed by the Ld. Family Court at Sangli in Petition E No.60 of 2020.

(c). This Hon’ble Court be pleased to stay the effect, implementation and/or operation of the impugned order dated 24.01.2024 passed by the Ld. Family Court at Sangli in Petition ER No.41 of 2023.”

(RAJESH S. PATIL, J.)