

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16394 OF 2024

Shivkumar (Sunny)

.Petitioner

Versus

Keerti w/o Shivkumar Talreja & ors.

.Respondents

Mr. Hitesh Vyas i/b. Mr. Rasik Raut, Advocates, for the Petitioner
Mr. Arjun Jeswani, Advocate, for the Respondents

CORAM : S. M. MODAK, J.

DATE : 26.11.2024

P. C.

1. Heard Mr. Raut, learned Counsel for the Petitioner and Mr. Jeswani, learned Counsel for the Respondents.

2. In pursuance to private notice issued to the Respondents, the Respondents have appeared which is also mentioned in the Affidavit-in-reply. The Affidavit-in-reply be filed in the Registry of this Court along with Vakalatnama.

3. The trial Court rejected an Application filed for setting aside 'No W. S.' Order and refused to condone the delay caused in filing

Written Statement. Both these Orders are under challenge. The principal contention raised in this Petition is that he is not served by the bailiff. This was rejected by the trial Court.

4. Learned Counsel for the Respondents supported the Orders and submitted that the Petitioner is properly served and there are other circumstances which suggest that the Petitioner is aware about filing of the Suit for maintenance.

5. These contentions are denied by learned Counsel for the Petitioner. He claims that he is not served. On the basis of above submissions, the Court is required to go through the averments made in the Petition, documents, affidavit-in-reply and annexures.

Request was made that the matter may be kept in the next week. It is not possible to keep the aforesaid matter in the next week considering other work load. The trial Court has granted interim maintenance.

6. Stand over to 17.12.2024, High On Board.

(S. M. MODAK, J.)