

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST.) NO.9222 OF 2024

Karbhari Bapu Jagtap and Ors.

.. Applicants

Versus

Jayshree Sunil Jagtap and Anr.

.. Respondents

-
• Ms. Tanaya D. Goswami, Advocate for Applicants.
.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 18, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Ms. Goswami, learned Advocate for Applicants.
- 3.** Perused the praecipe dated 18.04.2024 and the Civil Revision Application.
- 4.** Civil Revision Application takes exception to the order dated 12.01.2024 passed in Application filed below Exhibit-7 in Special Civil Suit No.83 of 2021 by the Plaintiffs seeking interim maintenance from the Defendants on the ground that Defendants are in possession of ancestral properties and taking away all benefits derived from the said property. The suit is for partition of the properties and it is Defendants' contention that the properties are self acquired properties.
- 5.** Be that as it may, learned Trial Court has allowed the

Application partly and has opined that Plaintiffs are entitled to receive amount of Rs.3,000/- which is subject matter of challenge in the present Application.

6. Ms. Goswami has urged the Court to stay the said order on the premise that the Defendants are hardly receiving any substantial income from the ancestral properties and due to their old age would find it difficult to pay the maintenance amount. In that event I need to hear the Plaintiffs.

7. An arguable case has been made out by Ms. Goswami for issuance of notice to Respondents.

8. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Applicants are directed to serve the Respondents a copy of this order and copy of the Civil Revision Application and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Civil Revision Application on or before the next date.

9. Stand over to **25th April, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

Digitally
signed by
HARSHADA
HANUMANT
SAWANT
Date:
2024.04.18
15:09:53
+0530