

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9413 OF 2024

VAIBHAV
RAMESH
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Madhukar Mahadev Sakpal

... Petitioner

V/s.

Savita Baban Sakpal & Ors.

... Respondents

Mr. Ajit J. Kenjale with Sai R. Kadam for the petitioner.

Mr. Rushikesh Barge for the respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 4, 2025

P.C.:

1. The present Writ Petition takes exception to the order dated 28th March 2023 passed by the learned Civil Judge, Junior Division, Koregaon, District Satara, below Exhibit 200, thereby granting interim maintenance of Rs.1500/- in favour of the plaintiff–respondent No.1.

2. It appears that respondent No.1 has instituted a suit for partition and separate possession of the suit properties. She claims that suit properties are ancestral properties of her family. Initially, joint family properties were mutated in record of rights in name of Mahadu Hari Sakpal, being manager of Hindu family. Thereafter,

in lieu of that, land which is subject matter of the suit was allotted by government under the provisions of Rehabilitation Act.

3. In this backdrop respondent filed an application below Exhibit 200 claiming maintenance of Rs.10,000/- per month from the defendants, contending that they are in possession of the joint family property. The plaintiff is not in a position to maintain herself, and defendants are under an obligation to pay maintenance to her. The Trial Court, in Paragraph No.11 of impugned order, observed that, prima facie, there is sufficient material to show that the suit property is part of joint family property. Therefore, there is an obligation on the defendants to pay maintenance to plaintiff. Accordingly, an order granting maintenance of Rs.1500/- has been passed.

4. Mr. Kenjale, learned advocate appearing for the petitioner, makes twofold submissions. Firstly, he contends that the suit was initially instituted only against branch of Pandurang, and later on, petitioner was added as party. The maintenance application has been filed in collusion with family members from branch of Pandurang. The maintenance is claimed only against petitioner and not against persons from branch of Pandurang.

5. All aforesaid contentions are required to be decided after a full-fledged trial of suit. However, Trial Court, on prima facie consideration, found that property in possession of petitioner is part of joint family. The petitioner has obligation to maintain plaintiff. Accordingly, granted interim maintenance Rs.1500/- per month. This Court do not find any reason to cause interference in impugned order or to delve into merits of matter in exercise of writ jurisdiction.

6. However, it would be in the interest of parties if the suit is expedited, as it is at the stage of defendants' evidence. In result, writ petition stands rejected with a direction to learned Civil Judge, Junior Division, Koregaon, to endeavour to decide Regular Civil Suit No.266 of 1993, expeditiously and, in any case, within a period of nine months from today.

7. Needless to state that payment of maintenance amount by petitioner under the impugned order shall be subject to final outcome of the suit.

8. Pending interlocutory application(s), if any, stand disposed of.

(S. G. CHAPALGAONKAR, J.)