

Arjun

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

WRIT PETITION NO.2669 OF 2025

Prakash Iragaunda Patil

...Petitioner

Versus

Mayuri Prakash Patil

...Respondent

Digitally
signed by
ARJUN
VITTHAL
KUDHEKAR
Date:
2025.03.19
21:33:36
+0530

Dr. Samarth Shrikant Karmarkar i/b Karmarkar & Associates, for the
Petitioner.

Ms. C. S. Gongane, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 19 MARCH 2025

P.C.:

1. This Court has passed following Order on 13th March 2025 :-

“1. Yesterday, Mr. Karmarkar, learned Counsel for the Petitioner mentioned this matter at 10.30 a.m. for withdrawal of the Writ Petition and accordingly, this Court passed following Order on 12th March 2025:

“1. Mr. Karmarkar, learned Counsel appearing for the Petitioner states that the Petitioner is present in Court and on the instructions of the Petitioner, he states that the Petitioner is not interested in prosecuting the Writ Petition.

2. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such.”

2. Yesterday, in the evening the matter is mentioned by Ms. Gongane, learned Counsel for the Respondent and she submitted that without giving any notice to the Respondent, the matter has been withdrawn. She further submitted that a learned Single Judge by Order dated 18th October 2024 has accepted the statement of the Petitioner, that the Petitioner would pay Rs.1.00 Lakh towards arrears of maintenance

within a period of four weeks and said statement has been accepted as an undertakings given to this Court.

3. As the Order dated 18th October 2024 has not been pointed out to this Court, when the order dated 12th March 2025 has been passed, said order dated 12th March 2025 is recalled and the said Writ Petition is restored to file of this Court.

4. As the undertaking given to this Court is violated, Mr. Prakash Iragaunda Patil, the Petitioner to remain present in this Court on 18th March 2025. It is made clear that if Mr. Prakash Iragaunda Patil fails to remain present in the Court, then this Court will be constrained to adopt further steps for securing presence of Mr. Prakash Iragaunda Patil.

5. Stand over to 18th March 2025. To be shown fairly high on supplementary board.”

2. Thus, it is clear that without pointing out to this Court that an undertaking has been accepted by a learned Single Judge by Order dated 18th October 2024 that the Petitioner would pay an amount of Rs.1,00,000/- towards the arrears of maintenance in the account of the Respondent, the Writ Petition has been withdrawn. As soon as the same was pointed out to this Court, this Court by Order dated 13th March 2025, recalled the Order dated 12th March 2025, by which Writ Petition was allowed to be withdrawn.

3. Mr. Karmarkar, learned Counsel appearing for the Petitioner, states that today an amount of Rs.1,00,000/- has been deposited in the account of the Respondent. Ms. Gongane, learned Counsel appearing for the Respondent confirms the said position.

4. Accordingly, Order dated 18th October 2024 passed by a learned

Single Judge in this Writ Petition has been complied with.

5. By the impugned Order dated 5th March 2024 passed by the learned Judge, Family Court, Sangli below Exhibit - 16 in P. A. No.82 of 2023, the Petitioner has been directed to pay an amount of Rs.40,600/- per month to the Respondent w.e.f. 5th March 2024 as the interim maintenance.

6. Mr. Karmarkar, learned Counsel appearing for the Petitioner, states that the total amount of arrears of maintenance till 31st March 2025 comes to Rs.4,87,200/-. He states that today an amount of Rs.1,00,000/- has been deposited in the account of the Respondent and an amount of Rs.1,00,000/- has been deposited before the learned Trial Court on 4th March 2025. He states that the aggregate amount of Rs.1,67,000/- has been either deposited in the Trial Court or it has been paid to the Respondent.

7. Mr. Karmarkar, learned Counsel, on instructions, he states that on or before 31st March 2025 the Petitioner will pay an amount of Rs.1,20,000/- in the account of the Respondent. On instructions of the Petitioner, he further states that the Petitioner will deposit in the account of the Respondent an amount of Rs.40,600/- per month on or before the 7th day of each succeeding month. The first such instalment will be paid on or before 7th March 2025.

8. All these statements made by Mr. Karmarkar, learned Counsel

appearing for the Petitioner, on instructions of the Petitioner - Prakash Iragaunda Patil, who is personally present in Court, are accepted as undertakings given to the Court by the Petitioner.

9. In view of above statements, nothing survives in the Writ Petition and accordingly the Writ Petition is disposed of.

10. The Respondent is at liberty to withdraw the amount of Rs.1,00,000/- deposited by the Petitioner in the Trial Court on 4th March 2025 as well as any amount already deposited by the Petitioner before the learned Trial Court.

11. Accordingly, Writ Petition is disposed of, subject to above.

[MADHAV J. JAMDAR, J.]