

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9029 OF 2024

Laxmi Manik Gaikwad

...Petitioner

Versus

Manik Ranu Gaikwad & Ors.

...Respondents

Mr. Prasad Pradeep Kulkarni a/w Mr. Amol Kanaki and Mr. Nakul Shukla, Advocates for Petitioner.

Mr. Siddharth Shitole, Advocate for the Respondent Nos.1 to 3.

CORAM: MADHAV J. JAMDAR, J.

DATED : 23rd July 2025

P.C.:

1. Heard Mr. Kulkarni, learned Counsel appearing for the Petitioner and Mr. Shitole, learned Counsel appearing for the Respondent Nos. 1 to 3.

2. The challenge in this Writ Petition is to the Order dated 15th March 2024 passed by the learned Civil Judge, Senior Division, Barshi, District-Solapur, by which Application bearing Exhibit-21 filed in Special Civil Suit No.115 of 2022 has been dismissed. The said application has been filed by the Petitioner-Plaintiff seeking interim maintenance of Rs.15,000/- per month till the disposal of the said Special Civil Suit No. 115 pf 2022.

3. Both the learned Counsel, on instructions, state that the following Order be passed, by consent of the parties :

(i) The Respondent Nos.1 to 3 shall pay maintenance of Rs.5,000/- per month to the Petitioner w.e.f. 1st January 2025. Such payment will be made on or before 10th day of each month and first such payment will be made on or before 10th August 2025.

(ii) As far as arrears of maintenance from 1st January 2025 till 31st July 2025 is concerned, same shall be paid within a period of three months from today.

4. In view of peculiar facts and circumstances, as the Suit has been filed by the Petitioner seeking maintenance against the Respondents i.e. Respondent No.1- husband and Respondent Nos. 2 and 3 i.e. step sons and as the age of the Petitioner is 63 years and the age of the Respondent No.1 is 75 years, the learned Civil Judge, Senior Division, Barshi is requested to dispose of said Special Civil Suit No.115 of 2022 on or before 31st December 2026.

5. Accordingly, the impugned Order dated 15th March 2024 passed by the learned Civil Judge, Senior Division, Barshi below Exhibit-21 in Special Civil Suit No. 115 of 2022 is quashed and set aside and the said Exhibit-21 application is partly allowed in above terms with consent of the parties.

6. It is made clear that the above payment of Rs.5,000/- per month is without prejudice to the rights and contentions of both the parties. It is further made clear that this Court has not considered the merits and all contentions on merits are expressly kept open.

7. The Writ Petition is disposed of in above terms, with no order as to costs.

(MADHAV J. JAMDAR, J.)

BHALCHANDRA
GOPAL DUSANE

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