



1924-2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1924 OF 2025

(Rushabh s/o Yatin Mehta Vs. Neena w/o Rushabh Mehta)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Shreya Jain, Counsel for the petitioner.

Mr. Piyush Shukla, Counsel for the respondent.

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CORAM : ANIL L. PANSARE, J.
JUNE 11, 2025

The petition filed by the petitioner seeking divorce being Petition No. A-158/2022 came to be dismissed under Order XXXIX Rule 11 of the Code of Civil Procedure, 1908. The petitioner failed to pay the amount of interim maintenance as directed by the Family Court, Nagpur.

2] The learned Counsel for the petitioner submits that though the petitioner failed to deposit the amount regularly, entire amount of arrears was deposited in terms of the Family Court's order before filing application for restoration of petition.

3] The Family Court has taken note of the said fact, but took a further note of pendency of proceedings under the provisions of the Protection of Women From Domestic Violence Act, 2005 (for short "D.V. Act") and opined that the petitioner ought to be regular in paying maintenance to the respondent.

4] Thus, it appears that for irregular payment of maintenance, which, in a way, amounts to breach of

order, the application filed by the petitioner to restore the petition has been rejected.

5] The learned Counsel for the petitioner, on instructions, submits that the petitioner undertakes to deposit interim maintenance regularly as ordered by the Family Court as also by the Court, where the proceedings under the provisions of the D.V. Act, is pending.

6] The undertaking, so given, is accepted, and on the basis of such assurance, the petitioner deserves one more opportunity.

7] As such, the learned Counsel for the respondent has objected to restore the petition, the relations between the parties appear to be such that decision, as regards separation/divorce, is necessary.

8] He further submits that as of now, amount of Rs.10,000/- is still in arrears, to which the learned Counsel for the petitioner submits that the amount will be deposited before the Family Court within seven working days from today. The statement is accepted. Resultantly, following order is passed :

ORDER

I] The petition is allowed. Order dated 11/2/2025 passed by the Family Court, Nagpur, in Petition Civil M.A. No. 73/2024, is quashed and set aside.

II] The application filed by the petitioner before the Family Court for restoration of Petition No. A-158/2022, is allowed. The said petition is restored to file

of the Family Court No.1, Nagpur, for decision in accordance with law.

III] The petitioner shall pay/deposit amount of maintenance as directed by the Family Court. In case of breach of order, the Family Court may pass further order as regards dismissal of petition or otherwise.

IV] The petitioner has also prayed for setting aside order dated 19/10/2024. It relates to proceedings filed by the respondent under Section 125 of the Code of Criminal Procedure, 1973. I am informed that the proceedings, so filed, have been dismissed and, therefore, no further order is required.

V] The respondent is at liberty to withdraw the amount of maintenance deposited by the petitioner before this Court.

VI] The petition is disposed of in above terms.
No costs.

(ANIL L. PANSARE, J.)

Sumit