



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

Writ Petition No. 6502 of 2023

[Mahindra Deoraoji Junjal ..vs.. Smt. Vaishali Mahindra Junjal and anr.]

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

Court's or Judge's orders

Mr. Sagar Tembekar, Advocate for the petitioner
Mr. Raju Kadu, Advocate for the respondents

CORAM : ANIL L. PANSARE J.

DATED : 05-04-2025

Judgment and order dated 6-9-2023 passed in Misc. Civil Appeal No. 3/2023 thereby dismissing the appeal is challenged in this petition. The first appellate Court has maintained the order dated 16-10-2019 passed by 2nd Joint Civil Judge Senior Division, Nagpur in H.M.P No. 169/2019.

It appears that the respondent – wife has filed said proceedings and along with proceedings, she filed application under Section 24 of the Hindu Marriage Act for interim maintenance. The trial Court was pleased to allow the application partly. It has directed petitioner – husband to pay Rs. 10,000/- per month towards maintenance for the respondent – wife and their son.

Learned counsel for the respondents submits that the petitioner has not complied with this order despite there being no stay to the same.

Learned counsel for the petitioner submits that the petitioner has paid certain amounts. He further submits that the petitioner has to maintain his parents.

To this, learned counsel for the respondents submits that petitioner's parents have expired long back.

Learned counsel for the respondents further submits that the petitioner has married to another lady despite the earlier marriage with respondent no. 1 subsisting.

I am informed that case before the trial Court is now fixed for evidence and is likely to be disposed of in near future, provided both the parties cooperate.

In the circumstances, this petition can only be heard upon petitioner depositing at least 50% of arrears of maintenance before the trial Court. The amount shall be deposited within two weeks from today, failing which, the petition shall stand dismissed without further reference to this Court. If amount is deposited, the petition shall be listed before this Court on proof to the Registry of depositing such amount.

(Anil L. Pansare, J.)

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