



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

WRIT PETITION NO. 1302 OF 2024

[Satish S/o Jagatnarayan Tiwari Vs. Smt. Pooja W/o Satish Tiwari]

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

Court's or Judge's orders.

Ms. Radha M. Mishra, Advocate for the petitioner.

Mr. A. D. Patil, Advocate for the respondent

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 15/10/2025.

1. Heard learned counsel for the petitioner as well as Counsel for the respondent.

2. The learned Counsel for the petitioner invited my attention to the order dated 11th December 2023 passed by the Principal Judge, Family Court, Nagpur, whereby the petition filed by the husband was dismissed under Order 39 Rule 11 of Civil Procedure Code, 1908, on account of non-compliance with the order dated 6th November 2023 passed below Exh. 66.

3. I have gone through the order passed below Exh. 66, wherein it was specifically ordered that petitioner to clear entire arrears. Since the petitioner failed to clear the arrears, the learned Principal Judge of the Family Court, Nagpur has dismissed the petition. Now the learned counsel for petitioner contend that the entire arrears have already been paid to the wife. The learned counsel for the respondent (wife) has accepted the said statement and admitted that the entire arrears have already been paid.

4. In view thereof, it is clear that there is compliance with the order passed below Exh. 66. Thus, the order dated

11.12.2023 passed by the Principal Judge, Family Court, Nagpur is liable to be set aside, and it is accordingly set aside. In view thereof, the petition partly allowed.

5. Consequently, the order dated 13.02.2024 passed by the learned Principal Judge, Family Court, Nagpur in the review application No. 105/2023 is also set aside. The learned Principal Judge, Family Court, Nagpur to decide the proceeding within a period of one month.

6. The Counsel for the petitioner undertakes that he will pay as per the order passed by the Family Court, Nagpur.

(Siddheshwar S. Thombre, J)