



ORDER PASSED BELOW EXH.21 IN HMP NO.63/2018

(CNR No. MHWS02001397-2018)

Praful Manvar Vs. Sou. Sapana Manvar.

1. The respondent/wife has filed this application, praying that the petition filed by the petitioner/husband for decree of divorce be dismissed on the ground of non-payment of arrears of her maintenance allowance of Rs.77,000/- which was due till dated 12.02.2020.

2. It is contention of the respondent that the petitioner has not deliberately cleared-up the said amount of Rs.77,000/- & therefore, the petition is liable to be dismissed. With this, the respondent has prayed that this application be allowed.

3. The petitioner has filed his say on overleaf of this application. He has stated that on dated 27.06.2019, he has filed his affidavit in lieu of chief examination at Exh.16, and however, the petition is pending for his further chief examination. It is further contention of the petitioner that the respondent has filed the present application in order to prolong trial of the petition. With this, the petitioner has prayed that this application be rejected together with costs of Rs.5,000/-.

4. I have heard Ld. Advocate Mr.Awachar for the respondent & Ld. Advocate Mr.Somani for the petitioner at considerable length, and have gone through record of the petition.

5. It is pertinent to note that during the course of an argument, it was submitted by Ld. Advocate Mr.Somani for the petitioner that petitioner will pay the respondent said amount of Rs.77,000/-, from time to time. In view of this submission, I am of the considered view that the petitioner is required to be given an opportunity in respect of payment of said amount of Rs.77,000/-. Therefore, in my considered view, the present application is liable to be rejected. However, I am of the view that the petitioner is required to be directed to pay the respondent 1/3rd amount out of said amount of Rs.77,000/- on or before next date. With this, I proceed to pass the following order -

ORDER

1. Application Exh.21 stands rejected.
2. The petitioner is hereby directed to pay the respondent 1/3rd amount out of arrears of respondent's interim maintenance allowance of Rs.77,000/- (which was due from the petitioner till dated 12.02.2020) on or before next date.
3. No order as to costs.
4. Parties to the petition shall take note of this order.

Washim.
Date - 17/06/2022.

(S.S.Ubale),
3rd Jt. Civil Judge,S.D.,
Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order

Name of the Stenographer : P.P.Sonune
(Stenographer Grade-III)

Name of the Court : Shri.S.S. Ubale,
3rd Jt. C.J.S.D.Washim

Date : 17.06.2022

Order signed by the
presiding officer on : 17.06.2022

Order uploaded on : 17.06.2022