



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.677/2025 IN WRIT PETITION NO.443/2025

Tulsiram alias Tushar Nagoraoji Baraskar .Vs. Ashwini Tulshiram alias Tushar Baraskar

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

Court's or Judge's orders

Mr. A. Patel, Advocate for petitioner.

CORAM : **ANIL L. PANSARE, J.**

DATE : **MARCH 20, 2025**

By present application, applicant – petitioner is seeking to recall order dated 07.03.2025, which reads thus:

“Mr. Sachin Ade, learned counsel for petitioner seeks adjournment.

2. This is the second time, when such a request is made. Challenge is to order dated 08.07.2024 passed by Family Court, Amravati whereby directions were given to the petitioner – husband to pay maintenance Rs.5,000/- per month pendente lite from the date of application i.e. from 24.11.2021.

3. Since, the petitioner is seeking yet another adjournment, it appears that petitioner, by filing instant petition, is avoiding to pay maintenance. The petitioner shall, therefore, deposit in this Court the entire arrears of maintenance to show his bona fides. If the amount as directed has been not paid within 10 working days from today, the petition shall stand dismissed without further reference to the Court. If the amount is deposited in this Court, list the matter for hearing in a week thereafter.

4. Copy of the order be served on Family Court, Amravati.

5. With above observations, adjournment is granted.”

2. As could be seen, the petition got dismissed for non compliance of order, in the sense, the petitioner was directed to deposit the entire arrears of maintenance to show his bona fides and having not done so, by consequential order, the petition got dismissed.

3. Argument is that the wife has played fraud upon the Trial Court. As such, no document is placed on record in support. Be that as it may, since argument is that the wife has played fraud upon the Court, an opportunity is being granted to the applicant – petitioner to place on record relevant material in support, however, the argument shall be considered only upon petitioner complying the order dated 07.03.2025.

4. The petitioner's counsel is seeking one week time to comply the order.

5. Time granted. If the arrears of maintenance is deposited in one week from today, the application shall be listed thereafter in due course. If the amount is not deposited the present application shall stand dismissed for non compliance of the order, without reference to this Court.

(Anil L. Pansare, J.)