

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3591 OF 2014

Balasaheb Uttam Katore
and ors.

..PETITIONERS

VERSUS

Shobha Balasaheb Katore
and anr.

..RESPONDENTS

Mr S.K. Shinde, Advocate for petitioners;
Mr S.T. Shelke, Advocate for respondents no.1 & 2

CORAM : N.W. SAMBRE, J.

DATE : 12th January, 2015

ORAL ORDER

By this petition, the petitioners seek to challenge the order dated 4th March, 2014, passed by Civil Judge Senior Division, Sangamner, below Exh.39, in Special Civil Suit No.49 of 2010, whereby request for stay of the proceedings initiated under section 25 of the Hindu Adoption and Maintenance Act, came to be rejected.

2. There is no dispute that present petitioner no.1 – husband, as against the outstanding arrears of maintenance of Rs.2,10,000/- , has paid an amount of Rs.76,000/-.

3. This Court, in the order dated 8th December, 2014, has observed that the petitioners should report the compliance of payment of maintenance amount within four weeks.

4. Till this date, the petitioners have not deposited the entire amount of arrears of maintenance.

5. In addition to above, the petitioners have sought stay of the proceedings on the ground that Regular Civil Appeal No.80 of 2004 is pending, which according to petitioners, is relevant for questioning the order impugned. In my opinion, law on the said issue is well settled, as present proceedings against petitioners for maintenance under different Acts are tenable.

6. In my opinion, no case for interference is made out, when the petitioners have failed to show their *bona fides* by depositing the entire amount of arrears of maintenance. Thus, the petition stands rejected with no order as to costs.

(N.W. SAMBRE, J.)

amj