

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 318 OF 2013
IN
FAMILY COURT APPEAL ST. No. 30150 OF 2013

Nitin S. Naik. ..Applicant.

Versus

Namrata N. Naik. ..Respondent.

Mr. M. P. Panchakshari for the Applicant.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **January 9, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner. None appears for the Respondent despite service. Civil application is filed for condonation of 11 days' delay which occurred in filing above appeal. The Petitioner by making averments in paragraph 3 has explained the delay. Civil application is not contested by the Respondent either by remaining present or by filing reply. The averments made in the application are, therefore, deemed to have been accepted by the Respondent. Case for condonation of delay is made out. Hence, civil application is allowed in terms of prayer clause (a). Civil Application stands disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]

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..Appellant.

Versus

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1. By this appeal, the Appellant - husband is challenging the order dated 14th February 2013 passed by the Family Court at Bandra, Mumbai in petition bearing M.J.Petition No.C-178/2006. The said petition was filed by the Respondent and by the impugned order, the Petitioner is directed to pay maintenance @ Rs.3,000/- per month to Respondent no.1 and Rs.2,000/- per month to Respondent No.2.i.e., total amount of Rs.5,000/- per month to the Respondents. In paragraph 22 and 23, the finding is recorded by the Court below that the Respondent has no source of income. The Respondent has to maintain his minor child who is 9 years old. Admittedly, the Petitioner is employed and capable of earning. The Appellant is bound to maintain his wife and minor child. The amount granted under the impugned order is meager. In that view of the matter, we do not see any reason to entertain this appeal. The appeal is accordingly dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]