

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLN. (O) NO.948 OF 2015
IN
FAMILY COURT APPEAL NO.38 OF 2015

Manjiri W/o Nihar Tanksale

-vs-

Nihar Prakash Tanksale

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.G.M.Shitut, counsel for the applicant-appellant.
Mr.I.J.Damle, counsel for the non-applicant-respondent.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 08.07.2015.

CIVIL APPLN. (F) NO.948 OF 2015

By this civil application, the applicant seeks a direction to the respondent to pay maintenance *pendente lite* to the applicant.

The non-applicant has filed an affidavit-in-reply. It is stated in the affidavit-in-reply that the non-applicant has suffered paralytic attack on the midnight of 31/12/2012-01/01/2013 and the right side of the body of the non-applicant is totally paralyzed. It is stated that due to the paralysis, the weight of the non-applicant has reduced from 180 Kgs. to 135 Kgs. It is stated that the applicant is not in a position to move, talk or walk and in this background, since the father of the non-applicant is the only earning member in the family, it would not be possible for the non-applicant to pay any amount to the applicant towards maintenance. It is

stated that the non-applicant suffered the paralytic attack during the pendency of the Hindu Marriage Petition.

Though time was granted to the learned counsel for the applicant on more than a couple of dates of hearing to find out whether the non-applicant really suffers from paralysis, a statement is made by the counsel for the applicant that the applicant has no knowledge. It is stated that the applicant is not able to secure knowledge in respect of the physical condition of the non-applicant. It is, however, not specifically disputed that the non-applicant suffers from paralysis.

In view of the aforesaid, it would not be proper in the interest of justice to direct the non-applicant to pay monthly maintenance to the applicant during the pendency of the appeal, when the applicant is young and educated and the non-applicant is bed-ridden due to paralysis. The civil application stands disposed of.

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Stand over to 21/07/2015 at the end of the admission board for final disposal.

JUDGE

JUDGE