

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

24 WRIT PETITION NO. 9250 OF 2015

SHRIKANT NAMDEO DHIMTE

VERSUS

VAISHALI SHRIKANT DHIMTE AND ANOTHERS

...

Advocate for Petitioner : Mr. Andhale Sandip R
Advocate for Respondents 1 and 2 : Mr. Shaikh Mazhar A.
Jahagirdar

CORAM : V. K. JADHAV, J.

DATE : 2nd February, 2016

PER COURT :

Heard finally at the admission stage by consent of the parties.

1. The respondents, who are the original plaintiffs, instituted the suit bearing RCS No. 613 of 2012 for maintenance under section 18 and 20 of the Hindu Adoption and Maintenance Act, 1956. The said suit was ultimately decreed and the petitioner/original defendant is directed to pay Rs.4,000/- per month to the respondent No.2 daughter only. The learned counsel for the respondents/original plaintiff also filed Regular Darkhast No. 171/2014 for execution of the said order. During the pendency of the said proceedings, the respondent, original plaintiff filed application below Exh.14 for attachment of salary of the petitioner

husband. The learned Judge of the executing court, by order dated 09.03.2015, disposed of the said application with direction to deduct Rs.10,000/- per month for 13 months and Rs.3280/- in 14th month from the salary of the petitioner towards satisfaction of the claim in the pending execution petition.

2. Learned counsel for the petitioner submits that the petitioner husband has deposited certain amount. The learned counsel submits that no opportunity of being heard was given to the petitioner before passing order below Exh. 14 in R.D. No. 171/2014. The learned counsel further submits that even as per order passed below Exh. 14, the husband had paid installments as directed.

3. The learned counsel for the respondents/original plaintiffs submits that the learned Judge of the executing court has rightly passed the order below Exh.14. There is no substance in the writ petition and the same is liable to be dismissed.

4. It appears from the impugned order that the petitioner husband is drawing salary of Rs.40,476/- per month. The respondents/decreed holders have claimed total amount of Rs.1,33,280/-. So, in view of the same, the

learned Judge of the executing court has rightly directed the deduction of Rs.10,000/- per month for 13 months and Rs.3280/- in 14th month from the salary of the petitioner husband towards full settlement of the said amount. I do not find any fault with the impugned order. There is no substance in the writ petition.

5. Hence, the writ petition is hereby dismissed. No order as to costs.

(V. K. JADHAV, J.)

JPC