

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

908 WRIT PETITION NO. 9603 OF 2016

SAINAND KASHINATH DHAKNE  
VERSUS  
KALPANA SAINAND DHAKNE AND ANOTHER

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Shri. A.S. Barlota, Advocate, for petitioner.

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**CORAM: T.V. NALAWADE, J.**

**DATE : 15 SEPTEMBER 2016**

**ORDER:**

1) The petition is filed to challenge the order made below Exhibit 9 in Petition No. C-10/2015 by the Family Court Aurangabad. Heard learned counsel for the petitioner.

2) The aforesaid application under Order VII Rule 11 of the Civil Procedure Code was filed by the present petitioner, husband in the proceeding filed by respondents, wife and daughter under section 18 of the Hindu Adoptions and Maintenance Act and present petitioner, husband had requested for rejection of the

plaint. It is the case of the present petitioner that in a proceeding which was filed under the Protection of Women from Domestic Violence Act before the Judicial Magistrate order is already made in favour of the present respondents and maintenance is granted. It is the contention of the present petitioner that in view of this circumstance another proceeding under the Hindu Adoptions and Maintenance Act for the same relief is not tenable.

3) The proceeding which is filed for different kinds of allowances under the Protection of Women from Domestic Violence Act is *quasi* civil and criminal in nature. The purpose behind the said proceeding is to see that immediate, urgent relief is given to the victim of the violence. The orders are made after making summary inquiry. As against this, the proceeding under section 18 of the Hindu Adoptions and Maintenance Act involves exhaustive inquiry and every aspect of the matter can be considered. At the time of granting of allowances under the provisions of the Domestic Violence Act the Court is expected to consider the amount if any, the victim is

already receiving as maintenance under the provisions of other Acts. That does not mean that the power of Civil Court to grant maintenance under the provisions of section 18 of the Hindu Adoptions and Maintenance Act is taken away. The scope of civil proceeding is much larger than the scope of the proceeding filed under the Domestic Violence Act and the objects behind the two proceedings are also different. In view of these circumstances, this Court has no hesitation to hold that the application filed by the present petitioner itself was misconceived. There are no merits in the present proceeding. The petition stands dismissed.

Sd/-  
**(T.V. NALAWADE, J. )**

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