

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

CRIMINAL WRIT PETITION NO.1226 OF 2016

Rishikumar s/o Punjaji Dhaneshwar ...Petitioner

VERSUS

Anita w/o Rishikumar Dhaneshwar ...Respondent

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Shri Hemant Surve, advocate for petitioner
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CORAM : N.W.SAMBRE, J.

DATED : 4th October, 2016

PER COURT :-

The learned Judge, Family Court, Aurangabad directed the present petitioner to pay maintenance of Rs.500/- and Rs.300/- per month to the respondent wife and the child, respectively, vide order dated 4.8.2014. The said order was questioned before this Court, however, this Court had not shown any indulgence. As such, the petitioner approached the learned Judge, Family Court for setting aside the said order on the

ground that it was an ex parte order or the order passed without hearing the petitioner. The learned Judge, Family Court showed indulgence and directed the present petitioner to pay entire amount of maintenance of the child and 50 per cent maintenance amount of the wife and granted stay to the proceedings.

2. It appears that the said order was not complied with by the present petitioner and on 19.4.2016, the Family Court passed conditional order, below Exh.1, that if the petitioner failed to clear the arrears, the Court will be constrained to dismiss the application. The learned Judge, Family Court as such on 16.6.2026 noticed that in spite of the opportunity given to the petitioner, the petitioner has not cleared the arrears and as such dismissed the application. As such, the present petition.

3. Shri Surve, learned counsel for the petitioner submits that the petitioner has lost

his father on 21.4.2016 and in spite of the same the petitioner has made following deposits in compliance of the order of the Court.

Sr. No	Date of Deposit	Amount Deposited	Receipt annexed at Page No.
1.	13.01.2015	Rs.20,000/-	41
2.	25.03.2015	Rs.10,000/-	42
3.	19.04.2016	Rs.20,000/-	43 & 44
4.	01.06.2016	Rs.15,000/-	45 & 46
5.	10.02.2016	Rs.30,000/-	47
6.	12.08.2016	Rs.11,000/-	48
Total amount paid till date		Rs.1,06,000/-	

He would then submit that looking to the financial constraints and the fact that the petitioner's father, who was the sole bread earner in the family, expired, he is in difficult situation to comply with the order. He would submit that he is ready and willing to pay the amount as ordered by the learned Judge, Family Court within a period of four weeks from today.

4. Having considered the claim of the present petitioner, this Court has called upon the petitioner to deposit the entire amount of

maintenance so as to show his bona fides, to which the petitioner showed his inability. The petitioner has also not complied with the order dated 4,8.2014, whereby he was directed to pay the entire maintenance amount of the child and 50 per cent amount of the wife. In spite of opportunity given by the learned Judge, Family Court to deposit the entire maintenance amount of the child and 50 per cent amount of the wife, the petitioner failed to comply with the said order.

5. In view thereof, in my opinion, no case for interference is made out. The Petition, as such, fails and stands dismissed.

(N.W.SAMBRE, J.)

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