

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 679 OF 2016

Sachin Prabhakar Gundkali-Patil ... Petitioner
Vs.
Sou. Anju Sachin Gundkali-Patil ... Respondent

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Mr. Kedar P. Lad for the petitioner.

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CORAM : M.S. SONAK, J.
DATE : 22.03.2016.

P.C.:

1. The challenge in this petition is to the order dated 04/09/2013 by which the petitioner has been directed to pay interim maintenance at the rate of Rs. 3,000/- per month to his wife and Rs.1500/- per month each to his two minor children.

2. The learned counsel for the petitioner submits that the respondent-wife has initiated proceedings in the State of Karnataka for the purpose of maintenance and therefore, she cannot pursue the maintenance proceedings in the State of Maharashtra. The learned counsel for the petitioner further submits that the petitioner is suffering from cardiac ailment and further the petitioner is not earning any income. The learned counsel for the petitioner also pointed out that one of the daughters is staying with the petitioner.

3. Upon consideration of the aforesaid submission and perusal of the record, there is no case made out to interfere with the impugned order. The factum of marriage is not disputed. There is no serious

challenge on the issues of inability of wife and the two minor children who are staying with her to maintain themselves. The petitioners' contention that education in the State of Karnataka is free and therefore the petitioner should not be called upon to pay maintenance to the minor children is quite mis-conceived and has been rightly rejected by trial court by the impugned order.

4. Infact, the interim maintenance awarded is quite meager. However the same may have been awarded by taking into consideration the petitioners case with regard to certain cardiac ailment suffered by him and the circumstance that one of the daughters stays with him. The trial court has rightly relied upon certain property documents. At this stage it is not necessary to consider the petitioners case that he is residing with his brother and mother. Be that as it may, there is no jurisdictional error in the making of the impugned order.

5. This petition is therefore dismissed. The petitioner is directed to pay arrears of maintenance within a period of six weeks from today.

(M.S. SONAK, J.)