

*JPP*

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION***

*CIVIL APPLICATION NO. 968 OF 2015*

*in*

*SECOND APPEAL NO. 449 OF 2015*

Banderao Shankar Naik.

...Applicant/Appellant .

V/s.

Bharati Banderao Naik.

... Respondent.

Mr. Suresh M. Kamble for the Applicant/Appellant.

***CORAM : N.M. Jamdar, J.***

***13 June, 2016.***

**P.C. :-**

The Second Appeal is admitted by an order passed today to consider the question whether the marriage having been dissolved, the Respondent can ask for maintenance under Hindu Adoption and Maintenance Act.

2. The learned Counsel for the Applicant submitted that the Respondent has to approach the Court where the Appeal from the proceedings under Hindu Marriage Act is pending, for maintenance. Both the Courts have granted an amount of Rs.3,000/- to the Respondent on a factual finding that the Respondent is not able to maintain herself.

There is also concurrent finding that the Applicant can afford to pay the said amount. As on date the Respondent has not moved any application for maintenance in the Appeal pending from the Hindu Marriage Act and is not in receipt of any amount of maintenance from any other proceedings.

3. In these circumstances, I am not inclined to grant any interim relief in respect of the impugned orders. In case the Respondent moves an application for maintenance in the Appeal pending from the proceedings under the Hindu Marriage Act and any order is passed, liberty to the Applicant to apply for appropriate orders.

4. Civil Application is accordingly rejected.

*(N.M. Jamdar, J.)*