

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.2029 OF 2016**

Santosh Pandharinath Pagare ...

.. Petitioner

vs

Sujata Santosh Pagare

.. Respondents

Mr.P. K.Bohade for Petitioner

None for Respondent

CORAM: G.S.KULKARNI, J

DATE: 22 AUGUST, 2016

P.C.

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondent returnable after four weeks. In addition to Court notice private notice is permitted.
3. Perused the impugned order as also the documents placed on record. By the impugned order, the application filed by the respondent-wife has been allowed whereby the petitioner has been directed to pay an amount of Rs.2500/- to the respondent towards maintenance with effect from 9 December 2013 with a further direction that the petitioner pay Rs.2000/- towards costs of the proceedings. *Prima facie*, it appears that the petitioner is not in a position to dispute that there is an agricultural land in his name and

from which yearly income of Rs.2.5 lacs is received by him. Further it also appears that the petitioner was working as a teacher and there is some dispute which is pending between the petitioner and the management before the School Tribunal. However, though the defence of the petitioner before the Family Court is on the basis of the School Tribunal proceedings no documents in that regard are placed on record of this petition, which would throw some light in regard to the nature of the dispute and as to whether the petitioner is under suspension or no more in service, as also in regard to the details of any amount, which he has received from his employer.

4. Considering the facts of the present case, it would be appropriate and in the interest of justice that the petitioner deposits before the Family Court at Nasik the entire arrears of the amount till date as directed in the impugned order within a period of two weeks and place a report of such deposits on the record of this Court. If the petitioner fails to deposit the amount as directed this writ petition shall stand dismissed without further reference to the Court.

5. The respondent-wife is at liberty to withdraw the amount to be deposited by the petitioner.

6. Leave to amend to place on record necessary documents as noted above.

7. All concerned to act on an authenticated copy of this order.

(G.S.KULKARNI, J)