

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 3622 OF 2014

Mr. Prakash Sopan Kate ... Petitioner
Vs
Mrs. Vatsala Prakash Kate & Anr. ... Respondents
...
Mr. Uday B. Nighot for the petitioner.
Ms. M. R. Tidke, APP for the State.

CORAM : M. S. SONAK, J.
DATE :20 AUGUST, 2016

P.C. :

1. The challenge in this petition is to the judgment and order dated 12th June 2014 made by the Family Court No. 1, Pune, enhancing the maintenance amount awarded in favour of the respondent-wife from Rs. 1,500/- to Rs. 5,000/- per month. Mr. Nighot, the learned counsel for the petitioner submits that the impugned order was made on the basis that the petitioner was in service. However, after the impugned order was made, i.e. in September 2014, the petitioner has retired. According to Mr. Nighot, the learned counsel for the petitioner, this is material change in circumstances. On the basis of the same Mr. Nighot submits that the impugned order is liable to be interfered with.

2. Since, the petitioner has retired after the judgment and order

was made, the Petitioner can be granted liberty to apply to the Family Court for seeking variation on the basis of this development. However, there is no necessity to entertain the present petition.

3. Accordingly, liberty is granted to the Petitioner to apply for variation. Such application, if made, shall be decided by the family court in accordance with law and on its own merits. The family court, no doubt, shall offer opportunity to the respondent-wife to put forth her case.

4. It is made clear that this court has expressed no opinion on the merits of the matter. Therefore, all contentions of all parties are left open.

5. With liberty as aforesaid, this petition is disposed of.

6. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)