

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 323 OF 2016

Onkar Ashok Shendge	..	Petitioner
vs.		
Gauri Onkar Shendge	..	Respondent

Mr. Mangesh J. Joshi for Petitioner.

CORAM : M. S. SONAK, J.
DATE : 22 MARCH 2016

P.C :

1] Heard the learned counsel for the petitioner. He states that the petitioner is having no income and therefore, the impugned order directing him to pay maintenance at the rate of Rs.8,000/- per month should not have been made against him. He further says that since the respondent has filed a petition under the Domestic Violence Act, the respondent can apply for maintenance in the said proceedings and there was no necessity of making the impugned order.

2] The contentions raised by the learned counsel for the petitioner are quite misconceived. The petitioner is qualified person 33 years of age. The petitioner was working for A.B.I.L. Construction Company at Wagtor Beach, Goa. There is no clarity as to whether such employment continues. However, in the facts and

circumstances of the present case, the Family Court cannot be faulted for observing that the petitioner is not willing to make any disclosures whatsoever with regard to his employment details or his earnings. The learned counsel for the petitioner stated that the petitioner's parents are looking after the petitioner. At least, *prima facie* such contention cannot be accepted.

3] The circumstance that the respondent has also filed proceedings under the Domestic Violence Act, is not a ground to interfere with the present order. Admittedly, in the said proceedings, as yet, no order for maintenance has been made.

4] Accordingly, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka