

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.6405 of 2015

(Gautam Govardhan Meshram

vs.

State of Maharashtra, through its Secretary, Law & Judiciary Department, Mumbai & another)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri S.S. Meshram, Advocate for the petitioner.

Shri S.B. Ahirkar, A.G.P. for respondent No.1.

Shri C.F. Bhagwani, Advocate for respondent No.2.

CORAM : A.S. CHANDURKAR, J.

DATE : 15th JUNE, 2016.

Heard.

The petitioner has challenged the order dated 28/10/2015 passed by the learned Judge, Family Court No.2, Nagpur by which the application filed by respondent No.2 for attaching the salary of the petitioner came to be allowed and the warrant of attachment came to be issued in that regard.

Shri S.S. Meshram, the learned Counsel for the petitioner by relying upon the decision of the Judicial Commissioner and in (i) **1981 CRI.L.J. 682 – Ali Khan vs. Smt. Hajrambi and another**, (ii) **1992 CRI.L.J. 83 – Md. Jahangir Khan vs. Mst. Manoara Bibi** and (iii) **1982 Mh.L.J. 859 – Jagoo Sarju Kathaute vs. Ramkali Jagoo Kathaute and others** submitted that the future salary of the applicant could not be the subject matter of attachment for recovering the arrears of

maintenance.

Shri C.F. Bhagwani, the learned Counsel for respondent No.2, however, submitted that the decisions relied upon by the learned Counsel for the petitioner have been held to be no longer good law in view of the judgment of the Division Bench in 1995(1) Mh.L.J.321 – Naseera Begum vs. Syed Habibur-Rehman. He, therefore, submitted that the challenge as raised in the writ petition is misconceived.

Shri S.B. Ahirkar, the learned Assistant Government Pleader appears for respondent No.1.

Having heard the respective Counsel and having perused the aforesaid judgments, it is clear that the Division Bench in *Naseera Begum's* case (*supra*) has held in paragraph 13 that warrant of attachment of the future salary at the very inception cannot be regarded as unauthorised and illegal. While holding so, the earlier decisions in *Ali Khan* and *Jagoo Sarju* (*supra*) have been held to be bad in law.

In view of the judgment of the Division Bench referred to hereinabove, the challenge as raised by the petitioner cannot succeed. The writ petition is, therefore, dismissed. No costs.

JUDGE