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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**SECOND APPEAL (STAMP) NO. 4718 of 2017
WITH
CIVIL APPLICATION NO. 3230 OF 2017
WITH
CIVIL APPLICATION NO. 3232 OF 2017
IN
SECOND APPEAL (STAMP) NO. 4718 of 2017**

Satwa S/o Gyanoba Vinkare,
age 44 years occupation service
R/o Nageshwadi Taluka Umerkhed District Yeotmal

... APPLICANT
(Original defendant)

VERSUS

1. Lilawati W/o Satwa Vinkare,
age 42 years occupation household
R/o Aniketnagar Taroda (Kh), Nanded District Nanded.
2. Chetali D/o Satwa Vinkare,
age 13 years, minor, under guardianship of her mother
i.e. respondent No.1 R/o Aniketnagar, Taroda (Kh),
Nanded District Nanded.

...RESPONDENTS
(Original plaintiffs)

Mr A.A. Mukhedkar, Advocate for applicants
Ms. Ranjana D. Reddy, Advocate, for respondents.

**CORAM : N.W. SAMBRE, J.
DATE : 20th July, 2017**

ORAL ORDER

Suit under Section 18 of the Hindu Adoption and Maintenance Act
came to be decreed, awarding maintenance in favour of respondent No.1/

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wife to the extent of Rs. 2500/- and Rs. 800/-, per month, for the daughter/respondent No.2. Said order was questioned in First Appeal at the behest of appellant/husband, which came to be dismissed. As such, this Second Appeal.

2. Question of law, that is sought to be canvassed by shri Mukhedkar, learned Counsel for applicant, is, whether lower Appellate Court has considered maintenance at the rate of Rs. 1000/- per month, awarded under section 125 of the Criminal Procedure Code and Rs. 1000/- per month, awarded during pendency of divorce proceedings, in the final maintenance amount. His next submission is that the salary of the applicant/appellant and his personal expenses are not considered.

3. It is required to be noted that appellant is having custody of two daughters, whereas respondent/wife is having custody of one daughter. The appellant is serving as Mechanic in Transport Department and is drawing gross salary of Rs. 17000/-

4. Considering said issue, it could be inferred that the respondent No.1 is granted total maintenance of Rs. 4500/-, including under section 125 of Cr.P.C. and under the Hindu Marriage Proceeding, and Rs.800/-, per month, to respondent No.2/daughter. Considering the gross salary and the material on record, I hardly see any reason to interfere in such findings. Hence it is not noticed that such findings are conflicting to evidence or any

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statutory provision. Appeal against the concurrent finding, fails. As such, it is dismissed.

5. In view of dismissal of Second Appeal, pending Civil Applications, do not survive, and same stand disposed of.

(N.W. SAMBRE, J.)

pjm