

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

204 FAMILY COURT APPEAL NO. 7 OF 2009
WITH CA/4968/2013 IN FCA/7/2009

JAIKRISHNA SHRIRANG MURTADKAR
VERSUS
SINDHU JAIKRISHNA MURTADKAR

...
Advocate for Appellant : Mr. Sachin S. Panale
Advocate for Respondents : Mr. S. P. Tilve
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 07.08.2017

P.C. :-

. The respondent filed petition under Section 18 of the Hindu Adoption and Maintenance Act, the same is partly allowed. The present appellant is directed to pay maintenance of Rupees One Thousand per month to the respondent.

2. Mr. Panale, the learned counsel for the appellant submits that the respondent had also filed an application for maintenance under Section 125 of Criminal Procedure Code and the said application is rejected, as the present respondent is in a position to maintain herself. The learned counsel submits that the respondent is running a beauty parlour and massage center. She has purchased a moped and has also given hand loan to one Datta Nikam. She has filed complaint against

Datta Nikam, whereas, the appellant was at the relevant time working as a Watchman with a private person. According to the learned counsel, the rejection of an application for maintenance under Section 125 has not been considered by the Court. Even the respondent has obtained loan of Rupees Fifty Thousand from Vasantao Naik Development Board for constructing house. The present respondent has also completed the course of Panchkarma Technician through Baba Ramdev Institute. All this evidence has been ignored.

3. We have gone through the judgment. The petition filed by the present respondent bearing no. 722 of 2002 for maintenance under Section 125 has been dismissed. The said proceedings are summary in nature. In the present appeal the Court has considered the evidence threadbare. It is observed that the present appellant could not prove that respondent is running the business of beauty parlour, whereas, it is held that the present appellant is serving as a Watchman. It is also admitted by the present appellant in his evidence that he owns two acres of agricultural land. The Court upon appreciation of evidence has granted maintenance to the present respondent of Rupees One Thousand per month. In today's era, the said quantum of maintenance cannot be said to be on the higher side.

4. Considering the above, the appeal is dismissed. No costs.
In view of dismissal of appeal, civil application also stands disposed of.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]