

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

WRIT PETITION NO. 8780 OF 2016

Varsha Umakant Honrao Patil

..PETITIONER

VERSUS

Umakant Baburao Honrao Patil

..RESPONDENT

....
Mr. M.L. Dharashive, Advocate for petitioner.

Mr. P.G. Rodge, Advocate for respondent.
....

**CORAM : RAVINDRA V. GHUGE, J.
DATED : 31st JULY, 2017**

ORDER :

1. The petitioner is aggrieved by the order dated 08th June, 2016 by which an application Exhibit 18 for maintenance in Special Civil Suit No. 1 of 2016 filed under the Hindu Marriage Act, has been rejected only on the ground that the petitioner wife is being paid maintenance in another criminal proceedings between the parties.

2. I have considered the submissions of the learned Counsel for the respective sides.

3. It is settled that merely because maintenance is being paid in one proceeding, would not be an embargo for seeking maintenance in another

proceedings. The Court below has apparently lost sight of the law. So also, the petitioner has a minor son and the respondent husband is said to have performed a second marriage during the proceedings.

4. Considering the above, this petition is partly allowed. The impugned order dated 08th June, 2016 is quashed and set aside. Application Exhibit 18 is restored to the file of the Trial Court for consideration as regards the quantum of maintenance to be paid, irrespective of her getting maintenance in another proceedings.

5. The learned Counsel for the respective sides submit that they would address the Trial Court on Exhibit 18. All the contentions of the parties in this context are kept open.

(RAVINDRA V GHUGE, J.)

SSD