

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9326 OF 2017
(Seema Ankit Pantoji Vs. Ankit Narayanrao Pantoji)

Mr.V.V.Jahagirdar, Advocate for the petitioner.
Mr.R.A.Jaiswal, Advocate for the respondent

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/09/2017

PER COURT :

1. I have considered the submissions of the learned Advocates for the respective sides on 09/08/2017, 21/08/2017 and today.
2. After considering their submissions, I need to record my amazement at the manner in which the husband and wife are litigating with each other and unfortunately the sufferer is the young child of 3 years of age by name Master Daksh.
3. During this litigation between the parties, the petitioner/wife initially quit her job and is now idle. It is now informed by the learned Advocate for the respondent/husband that he has also quit a lucrative job in a large scale private industry and has also vacated the residential accommodation that the company had provided to

him. I find that in this situation wherein the husband and the wife are eager to score over each other, it would ultimately lead to the sufferance of the child.

4. On account of the respondent/husband having declared that he has no residence, the petitioner/wife who is presently at Panvel alongwith the child, finds it difficult to return back to Aurangabad as there is no shelter. Consequentially, the child will lose his attendance and schooling in the H.A.P. International School at Aurangabad. I wonder what would be the fate of this child with this attitude of the husband.

5. Learned Advocate for the respondent submits on instructions taken from the respondent after seeking a pass-over in this matter that he is willing to pay the residential rent to the petitioner/wife if she decides to take any residence on rent.

6. Considering the above, I deem it appropriate to dispose of this petition by observing that the respondent will continue to deposit the amount as is directed by the learned Principal Judge, Family Court, Aurangabad and shall comply with the order dated 14/07/2017.

7. As such, this petition is disposed of with the above observations.

8. The petitioner is at liberty to make an application identifying rented premises at Aurangabad for which a reasonable rent could be charged as the said rent has to be paid by the respondent/husband.

While considering such an application, the learned Principal Judge, Family Court would consider the contentions of the parties and direct appropriate rent amount to be paid by the husband. So also, in the event the petitioner / wife desires to make an application for transferring the child to a nearby school where she can be assured of an admission mid-term, such a request would also be considered by the Court below on its own merits. It needs to be noted that if the husband defaults in any payment as is directed in the impugned order or as may be subsequently directed, the learned Principal Judge would consider striking of his defence.

9. The amount deposited by the respondent in this Court can be withdrawn by the petitioner without conditions.

(Ravindra V.Ghuge, J.)