

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO. 91 OF 2017**

Ms. Neeta Nandkishor Pagare

...Appellant

Vs.

Nandkishor D. Pagare

..Respondents

Mr. A. S. Shalgaonkar for the Appellant

**CORAM : R. M. SAVANT, J &
SMT. SADHANA S. JADHAV, J.**

DATE : 14th JUNE, 2017

P.C.

1 The above Family Court Appeal is directed against the order dated 20/02/2017 passed by the learned Judge of the Family Court no. 2, Pune by which order, the application for maintenance filed by the Appellant/Wife came to be rejected. The said rejection is on the ground that in another proceeding in the Court of the learned Civil Judge Senior Division, Pune, the Appellant/Wife claimed that Respondent herein is an insane person and has left the matrimonial home on 29/04/2012 in a fit of insanity and that she has lodged a missing complaint bearing no. 46 of 2012 with Khadki Police Station, Pune.

2) The learned Judge of the Family Court found that the case of the Appellant/Wife that the Respondent is earning Rs. 17,000/- by plying rickshaw

and also earns additional income by doing tailoring work was contrary to the case of the Appellant/Wife in the court of the learned Civil Judge Senior Division. The learned Judge of the Family Court has therefore, observed that Appellant/Wife is manipulative, and changes her colours as per the need of her cause. The learned Judge of the Family Court therefore, did not countenance the case of the Appellant/Wife that the Respondent earns handsome income and that she needs money for herself and for her daughters. The learned Judge has also taken into consideration the fact that the respondent is not occupying the flat and that the Appellant/Wife is occupying the same and that the driving licence of the Respondent is in possession of the Appellant/Wife.

3 Having regard to the aforesaid grounds on which the impugned order is founded, no case for interfering with the impugned order in the Appellate jurisdiction of this Court is made out.

4 The above Appeal is accordingly dismissed.

[SMT. SADHANA S. JADHAV, J.]

[R.M.SAVANT, J]