

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 109 OF 2016

Lalit Anaji Nirbhavane

..Petitioner

v/s.

Vrishali Lalit Nirbhavane

..Respondent

Mr.Sachin Gite for the Petitioner.

Mr. Satyajeet P. Dighe for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : SEPTEMBER 28, 2017.**

P.C.

1. The petitioner herein has challenged the Order dated 5th April, 2014 whereby the learned Judge, Family Court, Nashik had directed the petitioner to pay Rs.3000/- per month to the respondent-wife and Rs.2000/- per month to the minor daughter.

2. Heard learned Counsel Shri Gite for the petitioner and learned Counsel Shri Dighe for the respondent. The learned Counsel for the respective parties have stated that the impugned order dated 5th April, 2014 has been complied with and that the petitioner is not in arrears.

3. The respondent wife has no source of income. The child is of three and half years of age and is being taken care of by the respondent no.1 since her birth. The learned Judge, after considering the above facts as well as the paying capacity of the

petitioner has awarded maintenance as stated above. In the facts and circumstances of the case, the maintenance cannot be said to be excessive.

4. The petition has no merits and is accordingly dismissed.
5. The learned Judge shall dispose of the main petition on its own merits without being influenced by the observations made in the impugned order as well as by the observations made in this petition.

(ANUJA PRABHUDESSAI, J.)