

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

**FAMILY COURT APPEAL NO.2 OF 2016
ALONG WITH
CIVIL APPLICATION NO.7 OF 2016**

Prakash Parashram Gohad : Appellant/Applicant
Versus
Kum. Ashwini Prakash Gohad : Respondent.

Mr. D S Pagare for the Appellant/Applicant
Mr. S B Deshmukh for the Respondent

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.**
DATE : 13th JUNE 2017

P.C.

1 The above Family Court Appeal is directed against the judgment and order dated 17/10/2015 passed by the learned Judge of the Family Court, Nashik. By the said order the learned Judge of the Family Court has directed the Appellant herein to pay an amount of Rs.5000/- per month to the Respondent herein i.e. the daughter who was the Petitioner in Petition No.C 01/2012 towards her maintenance from the date of Petition i.e. from 15/03/2012.

2 The said claim for maintenance of the Respondent herein is founded on the fact that the Respondent herein is taking education, she has no source of income and she is unable to maintain herself and that she is dependent on the Appellant herein. It is her case that the Appellant herein has

a flour mill from which he earns Rs.10,000/- per month. He is also having grocery shop from which he earns Rs.30,000/- per month and he is also having agricultural land at village Darana-Sangavi, and his monthly income is in the region of Rs.50,000/- to Rs.60,000/-.

3 The learned Judge of the Family Court has considered the aforesaid aspects. The learned Judge of the Family Court did not countenance the case of the Appellant herein that he has undergone bye-pass surgery and he is unable to work as no material was placed on record to the said effect. The learned Judge of the Family Court has also observed that though it was the case of the Petitioner-daughter that the Appellant herein was having grocery shop and flour mill, except the oral evidence of the Petitioner – daughter there was nothing on record. However, in respect of the agricultural land, the documentary evidence was placed on record. The learned Judge of the Family Court observed that the Appellant herein who was the Respondent in the said Petition was having sufficient source of income and being a father of the Petitioner – daughter, he was duty bound to pay maintenance to the Petitioner who was his unmarried daughter. The learned Judge of the Family Court did not accept the contention of the Appellant herein that the daughter was working and was therefore having income. The learned Judge of the Family Court therefore deemed it appropriate to award maintenance in the sum of Rs.5,000/- per month to the daughter from the date of the Petition i.e. from

15/03/2012 and also directed the Appellant herein to pay the sum of Rs.3,00,000/- towards her marriage expenses.

4 In our view, having regard to the facts as afore-stated the maintenance granted by the Family Court in the sum of Rs.5,000/- per month to the Respondent herein who is the unmarried daughter of the Appellant herein cannot be said to be excessive or exorbitant for this Court to interfere in the appellate jurisdiction. This Court also does not find fault with the direction to the Appellant herein to pay Rs.3,00,000/- towards the marriage expenses of the Respondent herein. Hence no case for interference in the appellate jurisdiction of this Court is made out. The above Family Court Appeal is accordingly dismissed.

5 However, in so far as the arrears of maintenance from 15/03/2012 are concerned, the Appellant herein is directed to clear the said arrears in three installments in a maximum period of six months from date. The amount of Rs.3,00,000/- would also be paid over to the Respondent herein within eight weeks from date. The said amount of Rs.3,00,000/- to be deposited by the Petitioner – daughter i.e. the Respondent herein in a fixed deposit of a nationalized bank for period of one year and to be withdrawn only on the marriage of the Respondent herein getting fixed. The said fixed deposit to be renewed till such time as the marriage of the Respondent herein is fixed. In

view of the dismissal of the above Family Court Appeal, the Civil Application No.7 of 2016 does not survive and the same to accordingly stand disposed of as such.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]