

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

WRIT PETITION NO. 5015 OF 2018

Shyamsundar s/o Laxman Deshpande (Patil) ... Petitioner

Versus

Laxman s/o Janardhan Deshpande (Patil)
& another ... Respondents

Mr. S.N. Patil, Advocate holding for Mr. H.D. Deshmkh, Advocate
for the Petitioner.

Ms. Neha Parihar, Advocate holding for Mrs. M.A. Kulkarni,
Advocate for both the respondents.

Coram : N.M. Jamdar, J.

Date : 18 December 2018.

Oral Order :

1. By this petition, the petitioner has challenged the grant of maintenance in favour of his parents – senior citizens. The petitioner has challenged the orders dated 10 July 2017 and 13 October 2017.

2. When the matter came up on the last occasion, the petitioner was put to notice that unless the petitioner deposits the

substantial amount of maintenance, no indulgence would be extended. The petition is pending since 16 December 2017. Without there being any interim stay, the petitioner could not have unilaterally decided not to pay any amount of compensation. For this reason, the order was passed on 3 December 2018.

3. The jurisdiction under Article 227 of the Constitution of India is limited. The Court will intervene if there is a palpable injustice which is apparent from the record. This jurisdiction is not to be exercised to correct every error. The conduct of the petitioner of not paying the amount of maintenance to his own parents as ordered under the impugned orders without there being any stay for almost one and half year, is deplorable. In spite of order dated 3 December 2018, no further deposit is made. This is a fit case where the petition deserves to be dismissed with costs. The cost is quantified at ₹ 10,000/-. The petitioner shall pay cost of ₹ 10,000/- to the respondents within a period of four weeks. If the petitioner does not pay the costs, the same shall be recovered as arrears of land revenue.

N.M. Jamdar, J.