

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

WRIT PETITION NO. 12062 of 2017

Umesh S/o Babasaheb Gawali,
age 39 years occupation legal practitioner
R/o village Pimpalgaon Kamleshwari
Taluka Washi District Osmanabad

...Petitioner

VERSUS

Rama D/o Vitthalrao Kale
(Rama W/o Sanjay Jadhav)
age 44 years occupation legal practitioner
R/o 10/1, C-3, Soubhagya Housing Society,
No.8, Azad Chowk, CIDCO, Aurangabad.

...Respondent

WITH

WRIT PETITION NO. 14623 of 2017

Rama W/o Umesh Gawali,
age 41 years occupation nil
R/o A-7, Kalashanti Apartment,
Osmanpura, Aurangabad.

...Petitioner

VERSUS

Umesh S/o Babasaheb Gawali,
age 39 years occupation legal practitioner
R/o village Pimpalgaon Kamleshwari
Taluka Washi District Osmanabad

...Respondent

*Mr Rajendra S. Deshmukh, Advocate for petitioner in writ
petition 12062 of 2017 and respondent in W.P. No. 14623 of 2017
Mr V.J. Dixit, Senior Advocate for respondent in W.P. No. 12062
of 2017 and petitioner in W.P. No. 14623 of 2017*

CORAM : SUNIL P. DESHMUKH, J.

DATE : 6th September, 2018

ORAL JUDGMENT :

1. Writ petition No. 12062 of 2017 is moved against

orders dated 23rd February, 2017 and 25th July, 2017 passed by the Family Court, Aurangabad, on Exhibit – 43 where-under the petitioner, according to learned counsel, has been fastened on to liability to pay Rs. 10,000/- per month towards maintenance of daughter Maitri. Learned counsel purports to refer to various aspects involved in the matter with regard to validity of marriage and contends that eventually the petitioner had to move back to his native and in the circumstances, his income has got drastically affected and practically he has no earning. In the circumstances, it is difficult for him to bear with the liability fastened on him under impugned order. Albeit, he also refers to that paternity of daughter is not an issue. He also purports to contend that respondent-wife is well possessed and rich woman. She is bent upon vexing and harassing petitioner in order to make him yield to her and be in her servitude.

2. On the other hand, learned Senior Advocate Mr Dixit for respondent-wife submits that the daughter is taking education in a school and respondent has to arrange for her educational expenses and for want of money educational career of the daughter would be spoiled. He submits that regularly demands have been made from school and respondent-wife is finding it difficult to cope with the same and, as such, the amount as directed under impugned orders would be necessary to be paid.

3. These are the proceedings between husband and wife and for dispute between them, it would not be expedient that the child's career be hampered.

4. In the circumstances and especially having regard to the submissions advanced that the main proceeding before the Family Court has almost reached the stage of final hearing and is about to be decided, I am not inclined to interfere with the impugned orders. The writ petition, therefore, is dismissed.

5. It is needless to refer to that all the contentions and the grounds are kept open. The observations hitherto are at interlocutory stage of the proceedings and would not have any influential value whatsoever on merits of the case.

6. Learned senior counsel Mr Dixit states that he would not press for writ petition No. 14623 of 2017 preferred by wife Rama and it is, accordingly, dismissed.

**(SUNIL P. DESHMUKH)
JUDGE.**