

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

924 WRIT PETITION NO. 11677 OF 2018

ASHISH ASHOK MARATHE
VERSUS
SHIVPRIYA ASHISH MARATHE AND ANOTHER

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Advocate for Petitioner : Mr Patil Atmaram J

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CORAM : N.M. JAMDAR, J.

Dated: November 24, 2018

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PER COURT :-

By this petition, the petitioner has challenged the order passed by the learned Civil Judge S.D, Dhule ,(now Family Court, Dhule) granting ₹ 2,500/- to the wife towards maintenance, ₹ 500/- towards litigation expenses per month and maintenance of ₹ 2,000/- p.m. to the son. Learned counsel for the petitioner contends that the petitioner cannot be subjected to two maintenance amounts as the amount has already been granted in the proceedings under the Protection of Women From Domestic Violence Act, 2005. There is no merit in this submissions as the learned Civil Judge S.D. Dhule has already taken account of the same and has directed that for that period

the petitioner will not be liable to pay the maintenance under both the proceedings. As regards, the quantum is concerned, the learned counsel for the petitioner submitted that the petitioner is working as a Security Guard and does not have means to pay this amount. Same argument was advanced in the proceedings under the Protection of Women From Domestic Violence Act and the authority had fixed an identical maintenance. The question of overlapping and simultaneous payment in both the proceedings has been taken care by the learned Civil Judge. Fixation of quantum of ₹ 5,000/- both for wife and son cannot be considered as excessive considering the costs of living. In the circumstances interference under writ jurisdiction of this Court is not warranted. Writ Petition is accordingly rejected.

(N.M. JAMDAR, J.)

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