

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

WRIT PETITION NO. 170 OF 2018

PANDHARINATH VIKRAM AMBHORE
VERSUS
SHILPA @ SHILA PANDHARINATH AMBHORE AND OTHERS

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Advocate for the Petitioner : Shri Andhale Sandip R.
Advocate for Respondent 1 : Shri R.R.Imale.
AGP for Respondents 2 and 3 : Shri K.S.Patil.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd September, 2018

Per Court:

1 By this Writ Petition, the Petitioner seeks to challenge the order of the Sub Divisional Officer, Jalna dated 07.09.2015 by which, Respondent No.1 is directed to pay Rs.500/- per month as maintenance amount. He is also aggrieved by the order dated 21.08.2017 passed by the District Collector by which, the maintenance amount is enhanced to Rs.1000/-.

2 I have heard the learned Advocates for the respective sides.

3 The Petitioner is said to have one wife, two daughters and two sons. He had 18 acres of irrigated land adjacent to the Jalna-Aurangabad Highway. Tarabai is his wife, who is granted 4 Acres of land. One son Ashok is granted 1 H 24 R land. Another son Baban is granted 1

H 60 R land. Respondent No.1 (Shilabai @ Shilpa) is granted 85 R land.

4 The Petitioner has sold some portion of the land in 2012 situated on the Jalna-Aurangabad Highway for an amount of Rs.2.56 lac. His wife Tarabai resides with one son Baban, who pays only Rs.600/- as monthly maintenance to the Petitioner though Baban has the land admeasuring 1 H 60 R and wife Tarabai has 4 Acres of land and Baban cultivates the lands.

5 One son Ashok was employed in the Police Department and it is stated by Respondent No.1 that because of the harassment of the Petitioner, Ashok has resigned from the job and he cultivates 1 H 24 R land and pays Rs.1700/- per month as maintenance to the Petitioner. No details are set out as to how much maintenance does another daughter Seema pay to the Petitioner. It is stated that Seema is jobless.

6 To the extent of Respondent No.1 (Shilpa), she has married in 1997. Her one son is taking education in the polytechnic college and she has to spend a substantial amount for his education and coaching classes. Her one daughter is studying in the 11th standard and she funds her education and coaching classes. Her salary is about Rs.58,000/- per month. She pays Rs.33,000/- per month as housing loan installment and Rs.13,000/- as car loan installment. After deducting Rs.46,000/- from her salary of Rs.58,000/-, there is hardly anything that she can save considering the above. Yet, she is paying Rs.1000/- to the Petitioner

regularly.

7 It is, therefore, obvious that 4 Acres of land are with the wife of the Petitioner, who is residing with one son Baban, who is also granted 1 H 60 R land. These pieces of land are said to be irrigated. Though the wife stays with Baban, the Petitioner is satisfied with the amount of Rs.600/- per month being paid by Baban, when in fact he is cultivating his 1 H 60 R land and also 4 acres of land held by the Petitioner's wife.

8 About 1 Acres 20 Gunthas land has been sold by Respondent No.1 and about 85 R land is transferred in the name of Ashok. According to the learned Advocate for Respondent No.1/ Shilpa, this was under duress of the Petitioner and presently, Shilpa has no land in her name as the Petitioner compelled her to transfer her land in favour of Ashok.

9 Considering the above, I do not find that the District Collector has committed any error in assessing the relevant facts. So also, keeping in view that the wife of the Petitioner has taken 4 acres of land and resides with Baban, who has 1 H 60 R land and yet Baban is paying maintenance of Rs.600/- per month and the Petitioner is not demanding any more amount as maintenance from Baban, I do not find that the impugned order could be termed as being perverse or erroneous. This Writ Petition being devoid of merit is, therefore, dismissed.