

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

WRIT PETITION (ST.) NO.2165 OF 2018

Sh. Arvind Narayan Sanas ... Petitioner
Vs.
Smt. Bharati Arvind Sanas ... Respondent

Mr.Kirankumar J. Phakade for the Petitioner.
None for the Respondent.

**CORAM : SMT. BHARATI H.DANGRE, J.
DATE : MARCH 14, 2018.**

P.C.:

1. The Petitioner-husband is aggrieved by the order dated 13th September 2017, passed by the 2nd Joint Civil Judge, Senior Division, Satara, on an application by the wife under Sections 24 and 26 of the Hindu Marriage Act, 1955, claiming interim maintenance for herself and her three children. The court below has directed to pay an amount of Rs.1,000/- to the wife and Rs.600/- to the three children each, in addition to the amount already awarded in the proceedings initiated under the Domestic Violence Act, 2005. This amount is directed to be paid from 30th December 2015.

2. The learned counsel Mr. Kirankumar J. Phakade for the

Petitioner would vehemently argue that he has no source of the income to meet with the said amount, since he is already paying Rs.2,800/- under the Domestic Violence Act, 2005 and there is no fault committed by him in payment of the said amount. In order to test the impugned order and the issue as to whether the Petitioner has the capacity to bear the total amount of Rs.2,800/- (Domestic Violence proceedings) and Rs.1,600/- (the impugned order), the Petitioner is directed to deposit the arrears of the amount accruing from the order passed by the 2nd Joint Civil Judge, Senior Division, Satara, on 13th September 2017. The said arrears be deposited within period of four weeks from today.

3. Issue notice to the Respondent returnable after four weeks. The Petitioner is also permitted to serve the notice to the Respondent by private service.

4. Stand over to 23rd April 2018.

(SMT. BHARATI H. DANGRE,J.)

.....