

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CIVIL APPLICATION NO. 2144 OF 2019**

IN

FAMILY COURT APPEAL NO. 2813 OF 2019

Shivaji Shantanurao Vyas

Age : 65 Years, Occ. Retired,

R/o. Gurucharan Niwas, Keshavnagar,

Latur

..APPELLICANT

VERUS

1] Rashmi Prasad Vyas,

Age : 33 Years, Occ. Household,

R/o. C/o. G.G. Pathak,

Narayan Nagar, Latur

2] Chitra Shivaji Vyas,

Age : 60 Years, Occ. Household,

R/o. Gurucharan Niwas,

Keshavnagar, Latur

...RESPONDENTS

.....

Advocate for the Applicant Mr. G.R.Rane

Advocate for respondent No.1 : Miss P.R. Wankhade

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**CORAM :T.V. NALAWADE AND
SUNIL K. KOTWAL,JJ.****DATE 04th FEBRUARY, 2019.****PER COURT :-**

Notice waived by the learned counsel holding for respondent no.1

Smt. Rashmi.

2. Heard both the sides for final disposal.

3. The proceeding is filed for condonation of delay for 22 days.

Learned counsel for respondent No.1 submits that actual delay is of 11

days. The applicant is father-in-law of the respondent No.1 and

respondent No.1 is widow. Maintenance order is passed under Section

19 of the Hindu Adoption and Maintenance Act, in favour of respondent

No.1. It appears that the order of maintenance is made in favour of daughter of respondent No.1 also and in which maintenance of Rs. 2,000/- per month is granted. In favour of respondent No.1 the order of Rs. 3,000/- per month. Learned counsel for the applicant submitted that about one year back the respondent No.1 re-married. This contention is disputed. Even if this contention is accepted as it is, there will be remain the entitlement of the widow to get maintenance at least for the period of one year and there will be such entitlement of grant daughter in respect of three years. Thus, amount due is more than Rs.1,00,000/- (Rs. One Lakh) at present and it appears that not a single paie, is paid by the applicant. To ascertain the bonafides of the applicant, this Court holds that the applicant is to first deposit some amount of maintenance for getting the present relief.

4. In the result the application is allowed and delay is condoned subject to depositing of Rs. 75,000/- (Rs. Seventy Five Thousand) by the applicant in this Court within three weeks from today. If the amount is not deposited the proceeding itself shall dismissed automatically, without reference of the Court. If the amount is deposited, the matter will be place before this Court. Present application is disposed of in aforesaid terms.

[SUNIL K. KOTWAL]
JUDGE

YSK/

[T.V. NALAWADE]
JUDGE