

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

WRIT PETITION NO. 3624 OF 2019

Vishvajit Arun Babar Petitioner

Vs.

1. Sunita Arun Babar
2. The State of Maharashtra Respondents

Mr. Vaibhav R. Gaikwad for Petitioner.
Mr. Shailesh D. Chavan for Respondent no.1.
Mr. S.S. Hulke for the State.

Coram : NITIN W. SAMBRE, J.
Date : 18th December 2019

P.C.:

1. Heard.
2. The order below Exhibit 27 dtd. 11th February 2019, passed by the Judicial Magistrate First Class, Satara thereby rejecting the prayer of the petitioner- non applicant to the main proceedings i.e. Criminal M.A. No. 271 of 2015 for maintenance, is the subject matter of challenge. The petitioner sought impleadment of married daughters in the maintenance proceedings initiated by the mother. The prayer is rejected on the ground that the daughters have already deposited some amount in the name of the mother, who claims maintenance.

3. Merely because the daughters have deposited some amount will not itself absolve them from the proceedings particularly when law contemplates that even married daughters having share in the ancestral property are liable for payment of maintenance, appropriate support can be drawn from the judgment of this Court in the matter of Vasant s/o Govindrao Naik Vs. Govindrao Upasrao Naik & Anr., reported in 2016 CJ (Bom.), page 529.

4. In the aforesaid background, the order impugned is not sustainable. As such liable to be set aside. The application Exhibit 27 stands allowed.

5. Appropriate amendment to be carried out before the Court below pursuant to the aforesaid order by next date.

6. An amount of Rs.20,000/- deposited in this Court be transmitted to the trial Court and the respondent-mother will be at liberty to withdraw the same.

(NITIN W. SAMBRE, J.)