

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 12085 OF 2015**

Shri Anil Shivling Gele. ..Petitioner.

V/s.

Sau. Sarika Anil Gele. ..Respondent.

Mr. Sachin Ramrao Pawar, advocate for petitioner.

Mr. Amit Munde, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 27, 2019.

P. C. :

1 Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The Petitioner is in arrears of approximately of Rs. One Lakh. It is informed at the bar that the petitioner has filed petition for divorce, recording of evidence is completed and matter is posted for judgment. In view of this, learned Jt. Civil Judge Senior Division, Barshi seized with HMP No. 106 of 2014 shall first recover the arrears before passing the Judgment in HMP No. 106 of 2014 and rather pass the judgment only

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after recovery of amount of approximately Rs. One Lakh.

4 According to the learned Counsel for the petitioner, the respondent is not entitled for maintenance/recovery of arrears, as she had suppressed the fact that she was receiving maintenance in the proceedings under the Protection of Women from Domestic Violence Act, 2005. However, that may not be a good ground for denying the maintenance.

5 The learned Jt. Civil Judge Senior Division, Barshi shall first decide as to whether there is suppression of the fact and on that count whether she would be entitled to receive maintenance or not. The petitioner would be at liberty to file an application before the Civil Judge Senior Division before passing judgment in that proceedings.

6 In view of this, Rule is discharged. The petition is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]