

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4262 OF 2019**

Ganesh Kiran Dixit	Petitioner.
V/s	
Pooja Ganesh Dixit	Respondent

Mr. Nitesh J. Mohite for the Petitioner
Mr. Anvil S. Kalekar APP for the Respondent/State

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 07, 2021

P.C.:-

- 1] Heard respective Counsels.

- 2] By way of order impugned passed under Section 24 of the Hindu Marriage Act, Family Court has awarded maintenance of Rs 5000/- in favour of Respondent-wife and Rs 3000/- towards son's maintenance.

- 3] The order impugned is questioned on the ground that Section 9 restitution of conjugal rights petition preferred under the provisions of Hindu Marriage Act was allowed at the behest of the Petitioner-husband on 21/8/2019 pursuant to the decree passed by the Court of Civil Judge, Senior Division. It is further claimed that Petitioner has

initiated proceedings for divorce under Section 13 of the Hindu Marriage Act. Similarly, proceedings initiated by Respondent-wife are also under Section 9 for restitution or in alternate for divorce under Section 13 in which order impugned is passed.

4] It is apparent from the aforesaid that both parties are seeking divorce. Respondent-wife is a custodian of a minor child whose paternity is not disputed by Petitioner-husband.

5] In the aforesaid backdrop, in my opinion, considering qualification of the Petitioner to be an Engineer, award of amount of Rs 5000/- to wife and Rs 3000/- to son towards maintenance appears to be reasonable. As such, order impugned does not call for any interference. Petition as such lacks merit and same stands dismissed.

6] However, having regard to the fact that rival parties have initiated proceedings for divorce under Section 13, it will be appropriate in my opinion to direct both the parties to appear before the Marriage Counselor of the Family Court Solapur on 25/10/2021 in pending proceedings. Marriage Counselor of the Family Court is

requested to consider rival prayers of the parties for divorce under Section 13 and may proceed with evolution of solution to the issue, if possible by convincing parties to go for divorce by mutual consent.

(NITIN W. SAMBRE, J.)