

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 392 OF 2022

Rajendra Adhar Patil

..APPELLANT

VERSUS

Kamini (Sangita) Rajendra Patil

..RESPONDENT

Mr. V.P. Patil, Advocate for appellant

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CORAM : R.G. AVACHAT, J.

DATE : 27th JUNE, 2022

PER COURT :

1. This is original defendant's second appeal. The respondent (original plaintiff) is the wife of the appellant. She filed the suit for maintenance under Section 18 of the Hindu Adoption and Maintenance Act, 1956. The trial Court decreed the suit directing the appellant herein to pay the respondent – wife Rs.8,000/- per month as maintenance. He has also been directed to pay the maintenance for a period of three years preceding the suit. The decree passed by the trial Court has been affirmed by the first appellate Court.

2. Heard. Learned counsel for the appellant would submit that he was all along ready and willing to cohabit the respondent – wife. She has given admissions in her oral evidence reinforcing his case. According to him, in such circumstances the respondent – wife was not entitled for

maintenance. He would further submit that if the efforts for reconciliation are made, there is likelihood of reunion.

3. Considered the submissions advanced and the proposed substantial questions of law. The appellant has suffered the concurrent findings of fact. The relationship between the two is undisputed. The appellant was an Assistant Police Sub-Inspector, drawing salary of Rs.30,000/- when the application for maintenance was filed in 2014. There is also evidence to indicate him to have owned agricultural land. In these facts and circumstances, the quantum of maintenance granted by the trial Court and confirmed by the first appellate Court may not warrant interference therewith. On the question of appellant's intention to cohabit with her, admittedly he did not file a petition for restitution of conjugal rights. If he really wants to bring her back to matrimonial home, the doors are not closed. He may request his relations to act as go-between for reunion.

4. After having gone through the judgments delivered by both the Courts below and on having considered the submissions made by learned counsel for the appellant, this Court is not inclined to issue notice in this matter. Second appeal, therefore, fails. Same stands disposed of accordingly.

(R.G. AVACHAT, J.)

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