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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 5066 OF 2022

NARAYAN PARASHARAM GADAD (JAAT)

....PETITIONER

V/s.

STATE OF MAHARASHTRA AND ORS

.....RESPONDENTS

**Ms. Minal Chandnani i/b Jaiwant S. Chandnani Associates Advocate
for the Petitioner**

Mr. P. P. Pujari AGP for Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: MAY 4, 2022.

P.C.:

1) Heard. Petitioner suffered Decree in a Suit for partition which is subject matter of challenge in R.C.A. No. 18/2015 in which order impugned below Exh. 83 directing Petitioner-Judgment Debtor to pay maintenance of Rs. 10,000/- per month came to be passed. As such, this Petition.

Vide Decree under challenge, Petitioner-Defendant was directed to hand over possession of Suit property to Respondent-Decree

Holder.

2) Fact remains that Petitioner-Defendant is enjoying Suit property since 2009 i.e. the date of filing of the Suit. Though it is claimed that Petitioner has paid maintenance of Rs. 2000/- per month, it is difficult to infer that Respondent-Plaintiff, a widow daughter-in-law who happens to be Decree holder could survive on the said amount of Rs. 2000/- per month when the Petitioner is enjoying profits from the Suit property so also other properties. On one hand it is claimed that because of old age and adverse health, Suit property is not cultivated, however on the other hand, Petitioner is neither willing to part with Suit property nor to pay maintenance.

3) That being so, no case for interference is made out. Petition stands dismissed.

4) Hearing of the Appeal is expedited since the Suit proceedings were initiated in 2009.

[NITIN W. SAMBRE, J.]