

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 835 OF 2019

1. Sau. Anuradha w/o Santosh Dod,
aged – 37 years, Occ. Household,
2. Ku. Shrushti s/o Santosh Dod, Aged 0
17 years, Occ. - Education,
3. Sanchit s/o Santosh Dod, aged – 14
years, Occ – Education.

No. 2 and 3 being minors through
N.G. Applicant No.1, All R/o Tulsiram
Apartment, New Bhagwat Plots,
Akola, Tal. & Dist. Akola.

... **PETITIONERS**

VERSUS

Santosh Madhukar Dod,
Age – 40 years, Occ – Service,
R/o Trimurthy Apartment,
C-1, Jathar Peth, Tal & Dist.
Akola.

... **RESPONDENT.**

Shri N.R. Tekade, Advocate for the petitioners.
Shri Rishabh Khemuka, Advocate h/f Shri Ved Deshpande,
Advocate for the respondent.

CORAM : VINAY JOSHI, J.
DATED. : 24.06.2022.

ORAL JUDGMENT :

Heard finally by consent of both the parties.

2. The petitioners raise a challenge to the order dated 09.05.2019 passed by the Family Court, Akola in E-Petition No.90 of 2017. The Family Court has partly allowed the husband's application and accordingly, dismissed the maintenance Petition so far as the wife is concerned. The said order is impugned herein.

3. Perusal of the impugned order discloses that there was prior agreement dated 03.09.2012 in between the Spouses under which the arrangement for maintenance was made. In the meantime, the husband has applied for grant of divorce on the ground of desertion. The Trial Court has passed the Decree of

divorce, which was confirmed by the First Appellate Court. Relying on said factual position, the Family Court has partially rejected the maintenance Petition to the extent of wife. Now, it is brought to the notice that the Decree of divorce was further confirmed by this Court in Second Appeal No. 31 of 2019 and thus, the finding that the wife has deserted to the husband has attained the finality.

4. Having regard to the said fact, no error could be found in the impugned order in dismissing wife's claim for maintenance.

5. In view of that, petition carries no merits. Hence, dismissed.

(VINAY JOSHI, J.)

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