

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

WRIT PETITION NO. 2070 OF 2023

Bhaskar Dhondiram Shinde .. Petitioner

Versus

Manisha Bhaskar Shinde and another .. Respondents

Ms. Rekha Mohale-Choudhari, Advocate h/f Shri S. S.
Chaudhari, Advocate for the Petitioner.

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 21ST FEBRUARY, 2023.**

FINAL ORDER :

. Heard.

2. Challenge in the present petition is to the rejection of the petitioner's application under Order VII Rule 11(b) of the Code of Civil Procedure seeking direction of rejection of civil suit instituted by the respondent No. 1.

3. Learned counsel for the petitioner submits that, suit was filed for maintenance and there is no cause of action which is evident from the plaint. Perusal of the plaint shows that it is case of the respondent No. 1 in the plaint that plaintiff was married with the defendant No. 1 and thereafter due to alcoholic habits there were disputes between the parties. It is further her case in the plaint that the defendant No. 1 has driven the

plaintiff out of matrimonial house and since March 2012 she is residing at her parental house and after driving her out of the house, the defendant No. 1 has not taken care of her maintenance and as such she is doing household work in other peoples house and some how managing her day today sustenance.

4. Considering averments in the plaint, it cannot be said there is no cause of action in as much as cause of action for claiming maintenance is shown in the plaint. By averments that the defendant No. 1 drove her out of the house without any maintenance since the year 2012.

5. In the light of the averments made in the plaint, the application filed U/O VII Rule 11(b) of the Code is clearly misconceived. Writ petition is devoid of merits and stands dismissed. No costs.

[SHARMILA U. DESHMUKH, J.]

bsb/Feb. 23