

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 193 OF 2019

Amol Ashok Nagbhidkar__ Vs. __ Manisha Amol Nagbhidkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.V.Rai, Advocate for petitioner
Mr. A.D.Patil, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.
DATE : 15/03/2023

1] Heard Mr. Rai, learned counsel for the petitioner and Mr. Patil, learned counsel for the respondent.

2] The petition challenges the order dated 11.10.2018 passed by the learned Principal Judge, Family Court, Nagpur, granting maintenance of Rs.5,000/- per month to the respondent/wife.

3] It is contended that the petitioner has no income and employment and therefore he is unable to pay the maintenance.

4] It is not in dispute, as is reflected from the impugned order (para 7 page 44) that the petitioner is diploma holder in ITI Electrical and therefore is an able bodied person with educational

qualification, which would entitle him to substantiate earning, in case he applies himself.

5] In spite of the order dated 3.8.2022, directing the petitioner to place on record the affidavit of income and assets, nothing has been done, which would entitle the Court to draw an adverse inference against the petitioner. The conclusion therefore drawn by the learned Court below cannot be said to be unjustified. It has also not been brought on record by the petitioner that the respondent/wife is having any source of income, considering which and the quantum, I am not inclined to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit