



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

WRIT PETITION NO. 8324 OF 2023

PETITIONER :

Abhijit S/o Ashish Das,
Aged about - 39 years,
Occupation - Service,
R/o Flat No.301, Ganadhis Apartment,
Manish Nagar, Nagpur 440015.

V E R S U S

RESPONDENTS :

1. Shikha w/o Abhijit Das,
Aged about - 38 years,
Occupation - Nil.
2. Rudransh S/o Abhijit Das,
Aged about - 9 years,
Occupation-Student,
through Natural Guardian
Mother - Shikha W/o Abhijit Das.
3. Aneira D/o Abhijit Das,
Aged about - 6 years,
Occupation - Student,
through Natural Guardian
Mother - Shikha W/o Abhijit Das.

Respondent No.1 to 3 R/o 'Vrindavan'
Ground Floor, Plot No.29, Mani Layout,
Gopal Nagar, Nagpur.

Shri Virat Mishra, Advocate for petitioner with petitioner in person.
Shri V. A. Gadkari, Advocate for respondents with respondent No.1 in
person.

CORAM:- NITIN W. SAMBRE AND
ABHAY J. MANTRI, JJ.
DATED : 20/12/2023.

ORAL JUDGMENT : (PER NITIN W. SAMBRE, J.) :

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of learned counsel appearing for the parties.
2. Both the parties i. e. petitioner and respondent No.1 are present in the Court.
3. It is not in dispute that the proceeding being Petition No.A-1170/2022 is pending on the file of Family Court No.3, Nagpur wherein various issues i.e. divorce / dissolution of marriage, custody of children, payment of maintenance are looked into. It is a fact that the respondent No.1 did not receive any maintenance as the issue is sub judice before the Family Court, Nagpur.
4. In the present petition, a request is made that since son 'Rudransh' is celebrating his 10th Birth Day, his father wants to meet the child i.e. respondent No.2.
5. As the petitioner is not paying maintenance charges, in response to the Court's query, petitioner / father of respondent Nos.2 and 3 volunteers and undertakes before this Court that he shall deposit Rs.25,000/- in the pending proceedings before the Family Court, Nagpur every month towards the maintenance of both the children.

6. Aforesaid statement made on instructions from the petitioner, who is present in the Court by his lawyer is accepted as an undertaking.

7. As far as aforesaid amount towards maintenance to be paid to both children is concerned, same can be adjusted in the final order to be passed by the Family Court, Nagpur. As regards payment of maintenance to the wife, same can be looked into by the Family Court in pending proceedings without being influenced by the present order.

8. In view of this, we clarify that the aforesaid amount shall be adjusted in the amount to be received by the children, pursuant to the order of maintenance to be passed by the Family Court in the aforesaid pending proceedings.

9. In response to the Court's query, Shri Mishra, learned counsel appearing for petitioner, on instructions, submits that the amount of Rs.25,000/- payable for this month shall be deposited in the Family Court, Nagpur in any case by 22/12/2023 which is payable for this month.

10. Needless to clarify that respondent No.1 shall be entitled to withdraw the amount deposited by the petitioner.

11. The above statement is accepted as an undertaking.

12. In this background, both the parties agree that they would meet at respondent No.1's house so as to spend reasonable time with the children i.e. son and daughter so as to celebrate the Birthday of son.

13. In view of the above, the petition stands disposed of.

[ABHAY J. MANTRI, J.]

[NITIN W. SAMBRE, J.]