



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

Writ Petition (WP) No. 4922 of 2023

Anil Madhukarrao Katole

Versus

Ku. Sharaddha Anuja Khandekar D/o Anil Madhukar Katole

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Dhiraj S. Joshi, Advocate for the petitioner.

Shri S.M.Vaishnav, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 8th APRIL, 2024.

Heard.

2. The application moved by the petitioner for dismissal of the proceeding filed by the respondent under Section 20(3) of the Hindu Adoption and Maintenance Act, 1956 for maintenance, on the ground of non-joinder of the party, came to be dismissed vide impugned order dated 9th March, 2023, which is the subject matter of challenge in the present writ petition.

3. It is the case of the petitioner that the mother of the respondent entered into a compromise with the petitioner who is the father of the respondent and compromise decree was passed on 31st July, 2001

whereby the mother of the respondent accepted the amount of maintenance on behalf of both i.e. on behalf of respondent and her mother.

4. According to the petitioner, therefore, in view of this decree, now the respondent cannot claim any amount of maintenance.

5. I do not find any favour with the argument made by the learned counsel for the petitioner for the reason that in the petition filed under Section 13(1)(i) (ie) of the Hindu Marriage Act, 1955 for dissolution of marriage when the compromise decree was passed i.e. 31st July, 2001, at that time the respondent was two years old and she was also not party to the said proceedings.

6. Thus, considering the nature of the proceedings and prayers made in the said proceeding, the compromise arrived between the mother of the respondent and father of the respondent i.e. petitioner, cannot be said to be binding upon the respondent even if the mother has received the amount towards maintenance as full and final amount of maintenance on behalf of the respondent too.

7. In the circumstances, the learned Family Court has rightly rejected the application for dismissal of the petition since the petitioner failed to point out

how the mother of the respondent is necessary party to the said proceeding.

8. In that view of the matter, I do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]