



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6457 OF 2025

Lalit Subhash Patil

VERSUS

Mayuri Lalit Patil And Others

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Advocate for Petitioner : Mr. S.V. Deshmukh

Advocate for Respondents : Mrs. R.S. Kulkarni

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WITH

CIVIL APPLICATION NO. 5669 OF 2025 IN WP/6457/2025

Mayuri Lalit Patil and others

Versus

Lalit Subhash Patil and others.

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Mrs. R.S. Kulkarni advocate for applicants.

Mr. S.V. Deshmukh, advocate for respondents.

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CORAM	: S. G. CHAPALGAONKAR, J.
Reserved on	: July 24, 2025
Pronounced on	: July 28, 2025.

FINAL ORDER :-

1. Present writ petition takes exception to the order dated 7.5.2025 passed by the learned Family Court, at Jalgaon below Exhibit 30 and 38 in Petition No.E-15 of 2025, by which petitioner was directed to pay school fees and facilitate withdrawal of school leaving certificate of both the children.

2. Petitioner and respondent no.1 married on 10.12.2009. Respondent nos.2 and 3 are borne out of their wedlock. Petitioner initially served in Indian Air force and after retirement from service, he is serving as a Supply Inspector Officer, at Tahsil Office, Igatpuri. Thereafter, there was matrimonial discord between petitioner and respondent no.1. Respondent no.1 filed a complaint under section 498-A alleging ill-treatment against petitioner. She has also filed an application under section 144 of the Bhartiya Nagarik Suraksha Sanhita (BNSS) before the Family Court, Jalgaon, in which maintenance @ Rs.15,000/- p.m. is granted in favour of respondent no.1.

3. It is contention of petitioner that since respondent wanted to change school of children, who were taking education at Bhosala Military School, Nashik, they appeared for internal examination at New Era School, Nashik. Upon selection of respondent no.3, petitioner has paid amount of Rs.32,500/- towards partial fees. It is contention of petitioner that respondent no.1 with intent to take away children to different city and remove attachment with petitioner, shifting childrens to Pune and filed an application before the Family

Court at Jalgaon seeking directions to withdraw school admission of respondent nos.2 and 3 and allow them to transfer to Pune, so also pay the school fees at Pune. The learned Family Court allowed said application vide impugned order dated 7.5.2025.

4. Mr. S.V. Deshmukh, learned advocate appearing for petitioner attacks the impugned order on the ground that order passed by learned Judge, Family Court is without jurisdiction. According to him, maintenance can be awarded under section 144 of BNSS, however, further directions are beyond the powers conferred under the scheme of section 144 and 145 of the Act. According to him, petitioner is ready and willing to provide a separate accommodation to respondents at Nashik. Both the parents can look for welfare of childrens. However, respondent no.1 admitted children to Pune so as to refuse access of the petitioner.

5. Per contra, Mrs. Rashmi Kulkarni, learned advocate appearing for respondent nos.1 to 3 submits that respondent no.1 has taken all such steps to secure welfare of respondent nos.2 and 3. Relying upon observations of the Family Court, Jalgaon in the order dated 26.3.2025, passed in

Petition no.D-4 of 2025 she would submit that that Councilor has opined that custody of minor children must remain with the mother. She would further submit that petitioner cannot compel respondent to reside at Nashik.

6. Having considered the submissions advanced, it can be observed that the impugned order is practically implemented. Although interim order was passed by this Court on 9.5.2025, already school leaving certificate was issued by Nashik School on 8.5.2025 and, consequently, admission process of respondent nos.2 and 3 was completed. It would not be in the interest of children/respondent nos.2 to 3 to cancel their admissions and ask them to continue Education at Nashik. Respondent no.1 in her civil application no.5669 of 2025 filed on 17.5.2025 has explained chronology of events and points out that after passing impugned order dated 7.5.2025, respondent no.1, who is custodian of respondent nos.2 and 3 had taken necessary steps for their admission at Pune and deposited school fees. Pertinently, petitioner had deposited Rs.50,000/- in the account of respondent no.1 on 7.5.2025. Consequently, fees was deposited through UPI.

7. In that view of the matter, this Court do not find any reason to interfere in the impugned order. Hence, writ petition stands **dismissed**. Pending civil application, if any, also stand **disposed off**.

(S. G. CHAPALGAONKAR)
JUDGE

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