

Vaibhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7645 OF 2023**

Pradeep Sudhakar Sutar

...Petitioner

Versus

Prajakta Pradeep Sutar
c/o. Dilip Tukaram Lohar

...Respondent

Mr. Santosh Musale, for the Petitioner.

Ms. Chaitrali Deshmukh, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 8 JANUARY 2025

P.C.:

1. Heard Mr. Musale, learned Counsel appearing for the Petitioner and Ms. Deshmukh, learned Counsel appearing for the Respondent.
2. The Respondent is the wife of the Petitioner. By the present Writ Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the Order dated 13th December 2022 passed below Exhibit-8 in Petition A No. 434/2021 by the learned Judge, Family Court, Kolhapur. By the impugned Order the maintenance of Rs.7,000/- per month has been directed to be paid to the Respondent and daughter. The daughter is 7 years old.
3. It is the contention of Mr. Musale, learned Counsel that the Petitioner is without any employment and he is staying with his parents.
4. In this Writ Petition an Affidavit-in-Reply dated 16th October 2024 has been filed by the Respondent. In the Affidavit-in-Reply it is stated

that the Petitioner has performed second marriage illegally and the Petitioner is having one daughter of about 2 years from the said marriage. The Affidavit is dated 16th October 2024. However, the Petitioner has not filed any Rejoinder controverting the contentions raised in the said Affidavit-in-Reply. Thus, the contentions raised in the Affidavit-in-Reply have remained uncontroverted. It is clear that the Petitioner has approached this Court with unclean hands.

5. Apart from the above position admittedly the daughter, aged 7 years, is staying with the Respondent mother. The maintenance granted by the Family Court is reasonable.

6. Therefore, no case is made out for granting any relief under Article 227 of the Constitution of India.

7. The Writ Petition is dismissed with cost of Rs. 25,000/-. The cost to be paid within a period of 2 weeks to the Respondent.

[MADHAV J. JAMDAR, J.]