



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 WRIT PETITION NO. 912 OF 2026

AMIT SHARAD JOSHI

VERSUS

SMITA AMIT JOSHI AND ANOTHER

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Mr. M. M. Subhedar, Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 28th JANUARY, 2026

P. C. :-

1. The Petitioner/husband suffered order dated 27.06.2022 in Petition No.C-02/2020 filed by wife and son under Sections 18 and 20 of Hidnu Adoption and Maintenance Act. The Family Court directed Petitioner to pay maintenance amount of Rs.8,000/- per month to wife and Rs.4,000/- per month to son. Admittedly, aforesaid order is not challenged before any competent Court and attained finality.

2. In this backdrop, Respondent/wife filed execution proceeding vide R.D. No. 17 of 2024 before Family Court, in which Family Court passed order to issue show cause notice to Petitioner as to why he should not be committed to the civil prison in execution of said decree. Apparently, as long as order directing payment of maintenance against Petitioner subsists and

there is default in compliance of directions therein, executing Court is justified in issuing show cause notice as to why Petitioner shall not be committed to the civil prison. Pertinently, Petitioner can put his explanation/objection before executing Court in response to show cause notice, as such, no prejudice is caused to Petitioner.

3. In view of this, petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp