

FARAD CONTINUATION SHEET NO.:  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

Family Court Appeal No.119 of 2005

With

Family Court Appeal (St.) No.20425 of 2005

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Office Notes, Office Memoranda of : Court's or Judge's orders.  
coram, appearances, Court's orders :  
or directions and Registrar's :  
orders. :  
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Mr.R.R. Bhonsale for appellant.

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CORAM : H.L GOKHALE &  
SMT.R.S.DALVI, JJ.  
DATED : 26th September 2005

P.C. :

1. Heard Mr.Bhonsale in  
support of both the above Appeals.

2. These two Appeals  
challenge the common order dated  
29th June 2005 passed in Petition  
No.A/203 of 2004 filed by the  
appellant-husband seeking  
restitution of conjugal rights and  
Petition No.E/284 of 2004 filed by  
the respondent-wife seeking  
maintenance. The learned Family  
Court Judge dismissed the  
husband's Petition for conjugal  
rights and awarded an amount of  
Rs.2,500/- to the respondent-wife

and her son together.

3. As far as the restitution is concerned, surely, the same cannot be forced on to the respondent, particularly in the circumstances of the case when the appellant has re-married.

4. As far as the claim for maintenance is concerned, the learned Judge of the Family Court has recorded that the appellant stays in a flat in the creamy locality of the city and has a flourishing footwear business. The amount of Rs.2,500/- is certainly not the amount in which we should interfere. Both the Appeals are, therefore, dismissed.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)