

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 183 OF 2014
IN
FAMILY COURT APPEAL NO. 132 OF 2014

Mrs. Vaishali Harshad Deshpande .. Applicant

v/s.

Harshad Mukund Deshpande ..Respondent

Mr. Rahul S. Kadam for the applicant
Mr. H.P. Vyas for the respondent

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 25th JUNE, 2015.

P.C.

1. This civil application is filed for following reliefs :-

(a) That this Hon'ble Court during the pendency of Family Court Appeal (St.) No.1375 of 2014 that, the judgment, order and decree dated 11.04.2014 passed by the Family Court No.4, Pune (Coram : Ms. A.G. Farswani Madam) and thereby allowing the petition and thereby dissolution of the marriage dated 31.11.2006 u/s 13 of the Hindu Marriage Act may be stayed on such terms and conditions as this Hon'ble Court may deem fit and proper.

(b) That during the pendency of this Appeal the maintenance granted of Rs.5,000/- by order dated 06.01.2012 by the Family Court No.4, Pune below

Exh.121 in P.A. No.232 of 2008 may be continue with the added effects taking into consideration present prevailing circumstances to the tune of Rs.10,000/-.

2. So far as relief claimed in prayer clause (a) is concerned, we have passed separate order and admitted the Family Court Appeal No.132 of 2014, which is filed challenging the impugned decree of divorce. Therefore, this relief will have to be granted.

3. So far as relief claimed in prayer clause (b) is concerned, it is pointed out that admittedly, prior to the impugned decree, the respondent-husband was paying an amount of Rs.5,000/- to the applicant-wife in pursuant to the order dated 06.01.2012 passed by the Family Court No.4, Pune, below Exh.121 in P.A. No.232 of 2008. Despite this, no maintenance is granted at the time of dissolution of the the marriage between the parties. Mr. Vyas learned Counsel for the respondent submits that respondent-husband gets salary of Rs.27,000/- approximately per month and applicant wife is also earning approximately Rs.20,000/- per month. It was pointed out by Mr. Kadam, learned Counsel for the

applicant that the respondent-husband is B.E.M.B.A. having experience of 14 years and, therefore, it cannot be believed that he is getting salary of Rs.27,000/- per month only. The fact remains that during the pendency of the Appeal before the Family Court, the respondent was paying an amount of Rs.5,000/- to the applicant-wife. Therefore, we are inclined to dispose of the application by passing following order.

ORDER

- (1) During the pendency of the Appeal, the impugned judgment and decree is stayed.
- (2) The respondent husband is directed to pay maintenance amount of Rs.5,000/- per month during the pendency of this appeal w.e.f. June, 2015.
- (3) The Civil Application is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)