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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 216 OF 2015
IN
FAMILY COURT APPEAL NO.87 OF 2010**

Mrs. Sneha Vilas Shahasane @
Rajashree R. Gurav

....Applicant/
Original Appellant

versus
Vilas Waman Shahasane

....Respondent

Ms. Rajashree R. Gurav @Mrs.Sneha Vilas Shahasane, applicant-in-person.

Mr. R. V. Sankpal, advocate for the respondent.

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

DATED : 24th JULY, 2015.

P.C.:

Heard applicant-in-person and learned counsel for the respondent-husband. Respondent is also present before the Court.

2. Petition A-1604 of 2000 was filed by respondent-husband for decree of divorce. The above family court appeal is filed by the appellant-wife challenging the decree of divorce granted in favour of the respondent by the Family Court. Since there was delay, the family court appeal was filed along with an application for condonation of delay. The delay was ultimately condoned and the family court appeal was admitted

on 12th July, 2010. Learned counsel for the respondent-husband, however, submitted that after the Family Court's order, and after expiry of the period of limitation for filing the appeal, respondent-husband remarried on 2nd October, 2009.

3. The above civil application is taken out by the appellant-wife for interim maintenance pending the aforesaid appeal. The appellant-wife who is appearing in person submitted that during the pendency of the divorce petition before the Family Court, she was getting an amount of Rs.2000/- p.m. towards maintenance. She further stated that, in addition to this amount, she was also getting an amount of Rs.8,000/- from respondent-husband in the proceedings under the Domestic Violence Act, 2005. The said proceedings under the Domestic Violence Act, 2005 have been dismissed and the appeal is pending before the Sessions Court, in which, no interim maintenance is granted.

4. The applicant-in-person submitted that the respondent-husband is earning a salary around Rs.91,330/-. In support of this submission, she has also produced a salary slip at page 20 of the civil application. Learned counsel for the respondent-husband disputed that the respondent is earning an amount of Rs.91,000/- p.m.. He submitted that his monthly gross salary is about Rs.70,000/- and net salary is about Rs.60,000/- per month. He further submitted that the respondent-

husband has to maintain his wife and his mother. He lastly submitted that the applicant-wife is lawyer by profession and she is also earning and, therefore, there is no need to grant maintenance to the applicant-wife.

5. It is the case of the applicant-wife that though she is lawyer and she is arguing this case in person, she has no independent practice. There is also nothing on record to substantiate the contention of the respondent-husband that the applicant-wife is earning sufficient income in order to maintain herself. Though the salary slip at page 20 of the application discloses that the respondent-husband's gross salary for that particular month is Rs. 91,330/-, perusal of the same, however, reveals that it includes arrears of Rs.5080/- towards basic arrears, an amount of Rs.10,300/- towards performance reward arrears and Rs.23,840/- towards LTA. In the light of this, we find substance in the contention of respondent-husband that his gross salary is about Rs.70,000/- pm and net salary is about Rs.60,000/- p.m..

6. Considering the liabilities of the respondent-husband that he has to maintain his wife and mother as well as the fact that the applicant-wife is unable to maintain herself coupled with the fact that the applicant was getting total amount of Rs.10,000/- during the pendency of the petition for divorce and the proceedings under Domestic Violence Act, 2005, we are inclined to grant the applicant-wife an interim

maintenance @ Rs.10,000/- p.m.. The respondent-husband is directed to pay the applicant-wife an amount of Rs.10,000/- p.m. from the date of application i.e. 25th June, 2015.

7. In the light of the above order, the civil application is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)