

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7019 OF 2015

Aditya Ramesh Hirlekar

... Petitioner

Vs.

Mrs. Nandita Aditya Hirelekar

... Respondent

Mr. R.R. Salvi i/b. Ms. Suvarna Telegote, Advocate for the petitioner.

Mr. Abhijit D. Sarwate, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE : **JULY 30, 2015**

P.C.:

Rule. Rule made returnable forthwith. By consent, the petitioner is heard finally at the stage of admission.

2. This Writ Petition is directed against the order dated 25th May, 2015 passed by the learned Judge of the Family Court No. 21, Pune thereby directing the petitioner/husband to pay an amount of Rs.50,000/- per month to the wife and minor daughter towards maintenance and also to pay a lump sum amount of Rs.5,00,000/- towards compensation.

3. The learned counsel for the petitioner/husband has submitted that the amount of maintenance is very high considering the total salary of the husband. The learned counsel relied on paragraph 18 of the order wherein the income and expenditure of the petitioner is in tabular form. The learned counsel submitted that only Rs.50,223/- is shown as balance

amount and out of that, if the petitioner pays Rs.50,000/- per month to the respondent towards maintenance, then nothing remains in his hand. The learned counsel submitted that the petitioner needs money for his personal expenses, which the trial Court has failed to consider. He further submitted that the respondent/wife has her own income. She is a working woman and earns money. She suppressed the fact that she received a golden handshake settlement from her employer Delta Airlines. He further submitted that till 2014 she was working in St. Mary School and now she has left the job. The respondent receives Rs.13,500/- p.m. towards rent from the flat which she has let out and the flat stands in the joint name of husband and wife. He submitted that the order passed by the learned Family Court Judge is to be set aside.

4. The learned counsel for the respondent/wife submitted that the respondent/wife had left the job in 2014 as she has to look after her child. He submitted that whatever amount the respondent got out of settlement from the Delta Airlines was 7 to 8 years prior to the petition. He submitted that as on today, she is not working anywhere and has no source of income. He admitted that she is receiving Rs.13,500/- p.m. towards rent of flat which is owned by both the parties. He further submitted that the respondent/wife has to take care of the daughter, who is suffering from many allergies and she is prescribed to take organic food which is very expensive. He submitted that the petitioner has produced the document

disclosing his income and at the relevant time, the Court has considered that he was working earlier as a Senior Manager and now he is promoted to the post of DGM(Marketing) and, therefore, today he is drawing salary of more than Rs.32,00,000/- p.a. The learned counsel supports the order of Family Court.

5. Perused the order. The Family Court has considered the income of Rs.13,500/- received by wife towards rent. The learned Judge also mentioned that Form-12BA shows the designation of the petitioner as Senior Manager whereas the salary slips from October, 2014 at Exh.26 shows the designation as DGM Marketing. My attention is drawn to the documents filed by the petitioner. It shows that the total emoluments per annum as Senior Manager was Rs.32,00,000/- and if at all he had promoted to the post of DGM Marketing, there is definitely increase in the salary. The respondent/wife has to take care of the daughter, who claim to be a patient and she needs good and expensive food. The learned trial Judge has considered the income of both the parties. Considering this, in view of the income and liability, the petitioner has to pay an amount of Rs.50,000/- is not on the higher side. So also, there is direction to pay lump sum amount of Rs.5,00,000/- towards compensation appears reasonable.

6. During the course of argument, as the petitioner/husband is paying

all the taxes and the electricity bill of the flat where the respondent/wife and daughter are residing, it is suggested by the Court that the respondent/wife may bear the charges of electricity, as she is getting an amount of Rs.63,500/- p.m. This suggestion is accepted by the learned counsel for the respondent/wife. Therefore, hereafter the electricity bill charges of the flat where the respondent/wife is residing are to be borne by the respondent and not to be paid by the petitioner/husband. With this, I maintain the order passed by the learned Family Court Judge.

7. Writ Petition is partly allowed.

(MRS.MRIDULA BHATKAR, J.)