

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10882 OF 2014

Ashlesha Arun Shinde	... Petitioner
vs.	
Arun Bajrang Shinde	... Respondent

WITH

WRIT PETITION NO.1497 OF 2014

Arun Bajrang Shinde	... Petitioner
vs.	
Ashlesha Arun Shinde	... Respondent

Mr. Abhijit Sarwate, for the Petitioner in W.P. No. 10882 of 2014
and for the Respondent In W.P. No. 1497 of 2014.

Mr. Vivek Salunke, for the Respondent in W.P. No. 10882 of
2014 and for the Petitioner in W.P. No. 1497 of 2014.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 23, 2015

P.C.:

. Rule. Notice made returnable forthwith. By consent heard
finally at the stage of admission.

2. These two Writ Petitions are taken together as in both the Petitions, the order passed by the learned Judge, Family Court No. 3, Pune dated 28th June, 2013 directing the Petitioner-husband to pay the Respondent-wife the amount of Rs. 10,000/- p.m. towards her interim maintenance; Rs. 15,000/- p.m. towards the maintenance of both minor daughters; Rs. 25,000/- p.m in aggregate to the Respondent-wife from the date of application till final disposal of the main Petition and to pay the MSEB bill, Telephone bill, Internet bill, Society maintenance, Property tax and Cable charges for the bungalow situated at Baner, Pune are under challenge.

3. *(The parties are addressed as per their original status in the Marriage Petition No. 999 of 2012 as Petitioner-husband and Respondent-wife).* The Respondent-wife has filed Writ Petition No. 10882 of 2014 for the enhancement of the amount of interim maintenance which is ordered by the learned Judge, Family Court, Pune. The Respondent-wife prays that the amount of Rs. 50,000/- p.m. is to be paid to her as a interim maintenance.

4. At the time of the hearing of this Petition, it is noticed that

the Respondent-wife is relying on the salary receipts of the Petitioner-husband of the year 2014 and those salary receipts were not produced before the learned Judge, Family Court when the order dated 28th June, 2013 was passed. In view of the above, the Respondent-wife is allowed to withdraw the Petition with liberty to file the necessary proceeding for enhancement of the interim maintenance amount on the basis of salary receipts and other change of circumstances.

5. In Writ Petition No. 1497 of 2014, the Petitioner-husband has challenged the order of the Family Court as he was directed to pay Rs. 25,000/- p.m to the Respondent-wife from the date of the application till the hearing and final disposal of the main Petition and the further directed to pay the MSEB bill, Telephone bill, Internet bill, Society maintenance, Property tax and Cable charges for the bungalow situated at Baner, Pune is excessive.

6. The learned counsel for the Petitioner-husband has submitted that the Petitioner is earning Rs. 89,736/- p.m. The learned Judge, Family Court has not considered his expenses and the

responsibilities shouldered by the Petitioner-husband. He has to look after his parents. He is also paying all the maintenance of the bungalow which is in fact purchased and owned by him. The Respondent-wife along with her two daughters and her family members were residing in the said bungalow. He submitted that recently his mother is diagnosed of Cancer and she has to undergo the Chemotherapy. The expenses of the same will be more than Rs. 10 lacs and in future there will be more expenses for the same.

7. The learned counsel for the Respondent-wife opposed the Petition. He submitted that the Respondent-wife has in fact has challenged the order and asked for enhancement of the maintenance.

8. Perused the order of the learned Judge of the Family Court. The learned Judge has discussed the earning and expenses of both the parties and has also considered the liabilities of both the parties. The learned Judge of the Family Court has passed a well reasoned order. It can not be faulted with. The amount of Rs. 25,000/- is given to the Respondent-wife is bifurcated towards her two daughters and also for other expenses towards MSEB bill,

Telephone bill, Internet bill, Society maintenance, Property tax and Cable charges for the bungalow situated at Baner, Pune. The said direction to pay the aforesaid amount is not at all exorbitant. Therefore, no interference is required in the said order. However, as expressed by the learned counsel for the Petitioner-husband, as his mother is suffering from Cancer and she has to undergo Chemotherapy and he wants to bring those facts to the notice of the learned Judge of the Family Court, the Petitioner-husband may approach the Family Court, Pune for the same and file a fresh application.

9. In view of the above, both the Petitions stands disposed of.

(MRS.MRIDULA BHATKAR, J.)