

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9605 OF 2014

Tukaram Vishwanath Hotkar ... Petitioner
Vs.
Sau. Prabhavati Tukaram Hotkat & Anr. ... Respondents

Mrs. Pratibha Ashok Borade, Advocate for the petitioner.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 23, 2015**

P.C.:

This Writ Petition is directed against the order dated 30th July, 2014 passed by the learned Principal Judge, Family Court, Solapur thereby directing the petitioner/husband to pay Rs.7,000/- p.m. to respondent no. 1/wife and Rs.3,000/- p.m. to respondent no. 2 towards interim maintenance in addition to the earlier maintenance order by learned Judicial Magistrate First Class, Akkalkot from the date of Application till further order.

2. The learned counsel for the petitioner has submitted that the order passed by the learned Principal Judge of Family Court is illegal. The learned Principal Judge has not taken into account the maintenance of Rs.1,800/- paid by the petitioner to the respondents pursuant to the order of learned Judicial Magistrate First Class, Akkalkot. She submitted that the petitioner/husband gets take home salary of Rs.36,000/- to 37,000/- p.m. and there are deductions upto the tune of nearly Rs.37,000/- p.m. Besides the maintenance amount awarded by the learned Judicial

Magistrate First Class, the petitioner/husband is also paying educational expenditure of respondent no. 2. Hence, the amount awarded by the learned Principal Judge of the Family Court is excessive and it is to be reduced. The learned counsel further submitted that respondent no. 1 did not apply for maintenance earlier and as the petitioner/husband has now filed the petition for divorce, she has asked for maintenance under Section 18 and 20 of Adoption and Maintenance Act of 1956.

3. The Petition is for admission. Perused the order passed by the learned Principal Judge of the Family Court, Solapur. Heard the submissions of learned counsel for the petitioner. In the order, the learned Principal Judge has referred and discussed about the maintenance awarded by the learned Judicial Magistrate First Class, Akkalkot. After taking into account the said amount of maintenance paid by the husband, the learned Principal Judge has considered the possible deductions in the salary of the petitioner, so also the requirement of the respondents. It is also noted by the learned Principal Judge that the respondent/wife is getting maintenance of Rs.1,800/- as per the order of Learned Judicial Magistrate First Class from 1998 till 2012 and that is not a sufficient amount to meet the expenditure of two persons. The order passed by the learned Principal Judge of the Family Court is found legal and well reasoned. Hence, the Petition is dismissed summarily.

(MRS.MRIDULA BHATKAR, J.)