

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Family Court Appeal No. 357 of 2014

Mahesh Vitthal Bakade vs. Smt. Shakuntala wd/o Vitthalrao Bakade and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. Jitendra R. Kidilay, Adv. for appellant.

Ms Vidya Umale, Adv. for R-1.

CORAM: B.R.GAVAI &

MRS. MRIDULA R. BHATKAR, JJ

DATE : 12.1.2015

This appeal challenges the order dated 22.8.2013 passed by the learned Family Court, to the extent of direction to the present appellant to pay an amount of Rs. 3000/- p.m. to the respondent no.1.

2. The respondent no.1 is the mother of the appellant as well as respondent nos. 2 and 3. Contending therein that she was not able to maintain herself on account of her old age, the respondent no.1 has filed an application before the learned Family Court, Nagpur vide Petition No. C-2/2011 for enhancement of the maintenance under Section 25 of the Hindu Adoption and Maintenance Act, 1955 against the present appellant as well as

respondents 2 and 3. The learned Family Court vide order dated 22.8.2013 partly allowed the petition and respondents 2 and 3 were directed to pay the amount of Rs. 2000/- p.m. each and the present appellant was directed to pay enhanced maintenance @ Rs. 3000/- p.m. to the respondent no.1.

3. The learned counsel appearing on behalf of the appellant submits that the learned Family Court has grossly erred in allowing the petition of the respondent no.1. He submits that the respondent no.1 is earning sufficient income from the Hindu Undivided Family property and as such the amount of Rs. 3000/- p.m. is excessive in nature.

4. Mrs. Vidya Umale, the learned counsel for the respondent no.1, on the contrary, submits that the learned Family Court has rightly awarded an amount of Rs. 3000/- p.m. insofar as the present appellant is concerned taking into consideration that he is in employment.

5. Taking into consideration the material placed on record and further that the appellant has to pay the amount towards the maintenance of his first wife, we find that the learned Family Court ought not to have singled out the present appellant for paying higher amount. We find that it would be in the interest of justice to

reduce the amount of Rs. 3000/- p.m. to Rs. 2000/- as is directed to be paid by the other respondents.

6. The appeal is, therefore, partly allowed. The order of the learned Family Court, Nagpur, dated 22.8.2013 directing the amount of Rs. 3000/- p.m. to be paid by the present appellant, is modified and the present appellant is directed to pay Rs. 2000/- p.m. to respondent no.1 from the date of the petition. The appeal is disposed of accordingly.

Civil Application (F) No. 1080 of 2014 in F.C.A.No. 357 of 2014:

In view of the disposal of the appeal, this application is disposed of as not surviving.

JUDGE

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