

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FAMILY COURT APPEAL NO.13 OF 2015

Tapan Chaitanya Biswas -vs- Smt.Nivedita W/o Tapan Biswas

FAMILY COURT APPEAL NO.14 OF 2015

Smt.Nivedita W/o Tapan Biswas -vs- Tapan Chaitanya Biswas

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Abhay Sambre, counsel for appellant-husband.
Mr.R.R.Dawda, counsel for respondent-wife.

CORAM : B.R.GAVAI AND
SMT.MRIDULA BHATKAR,JJ.

DATE : 30.01.2015.

These appeals are directed against the order of the Family Court, Nagpur dated 17/07/2014 by which the learned Family Court Judge has granted final maintenance of Rs.20,000/- per month.

2) It is submitted that the appellant-husband is working as an Assistant Conservator of Forest and is drawing take home salary Rs.60,000/-. It is submitted that the respondent wife was operating three DMAT accounts and she has invested Rs.9,50,000/- and she is capable of earning. It is submitted that they have two sons out of the wedlock, one is major, who is 18 years and the husband is looking after the education expenses of both the sons. The husband is also paying the tuition fees, books and other school expenses of a minor son, who is at present staying with the respondent-wife. Hence, reduction of the maintenance amount is prayed.

3) Learned counsel for the respondent wife has submitted that the firm wherein the amount invested by the respondent-wife is now facing criminal prosecution and there

is no earning but she has suffered financial loss due to the said investment.

4) On perusal of the judgment, we are of the view that the reasons given by the learned Judge of the Family Court are cogent and sound. The amount of the maintenance granted to the respondent wife is Rs.20,000/- per month and the petitioner husband is drawing a lordly sum salary and his take home salary is Rs.60,000/-. Out of Rs.20,000/-, Rs.7,000/- per month is given to the respondent-wife, Rs.5,000/- per month is given to the younger son and the remaining amount of Rs.8,000/- towards the house rent if wife leaves the house of the husband.

5) However, now the learned counsel for the respondent has informed to this Court that as per the instructions, the respondent-wife will move from the house of the husband from 01/05/2015 and, therefore, she is entitled to get Rs.8,000/- towards house rent from 01/05/2015.

6) Thus, the total amount of Rs.20,000/- towards the permanent maintenance is found reasonable and, therefore, the said order of the Family Court is correct.

7) Appellant husband is also directed to deposit the arrears of maintenance within four weeks from today.

8) Hence, we hereby direct the appellant husband to pay Rs.8,000/- per month towards house rent to the respondent wife from 01/05/2015 in addition to the maintenance amount of Rs.12,000/- per month.

9) In view of this, both the appeals are dismissed. No costs.

JUDGE

JUDGE