

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 6602 OF 2016

1. Smt. Pratibha w/o. Vikram Deshmukh,
Age 32 years, Occu. Household,
R/o. Behind the Hospital of Dr. Pawar,
Barshi Naka, Osmanabad, Tq. & Dist.
Osmanabad.
2. Kum. Vaishnavi d/o. Vikram Deshmukh,
Age 6 years, Occu. Education,
Being minor, under the guardian of
her mother, Petitioner No. 1 Smt.
Pratibha w/o. Vikram Deshmukh ...Petitioners.

Versus

Shri. Vikram Shahaji Deshmukh,
Age 36 years, Occu. Service,
R/o. C/o. T.V. Shinde,
C/603, Shri. Laxmi Vihar Society,
Survey No. 163, Malwadi Road,
Hadapsar, Pune-411028.Respondent.

...
Mr. S.J. Salunke, Advocate for petitioners.
Mr. G.K. Naik-Thigle, Advocate for respondent.
...

CORAM : T.V. NALAWADE, J.

DATED : 1st October, 2016.

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent,
heard both the sides for final disposal.
2. The petition is filed to challenge the order made on
Exh. 93 in H.M.P. No. 82/2012. The application was filed for

enhancement of maintenance which was already granted under section 24 of Hindu Marriage Act. By allowing the previous application, the maintenance was granted at the rate of 2500/- p.m. in the year 2014 and so, the application for enhancement of maintenance was filed on 1.3.2016. The enhancement is granted to make it RS. 7,000/- total from the date of the order i.e. 15.6.2016.

3. The learned counsel for petitioners submitted that there is grievance that no separate maintenance is awarded in favour of daughter. He has also grievance that the total income is not considered and reasonable amount which can be sufficient for maintenance is not granted. He submitted that no amount is granted as expenses by the Court.

4. In the present proceeding, the learned counsel for husband produced on the record copies of the salary certificates issued by the employer to show that in the year 2014 the monthly salary which was take home salary was around Rs. 53,000/- and in 2016 take home salary is almost the same though some deductions are shown. The learned counsel for husband submitted that he is required to maintain his old parents. There is the record of pension of the father of the

husband showing that he is getting hardly Rs. 1,500/- p.m.

5. If aforesaid contentions are considered this Court holds that daughter and wife are entitled to get Rs.7,000/- each p.m. Similarly the wife will be entitled to get Rs. 15,000/- as cost of the proceeding. This amount will be less than 1/3rd salary of take home salary.

6. So, petition is allowed. The order of the learned Trial Court Judge is modified to make the total amount as Rs.14,000/- p.m. out of which amount of Rs. 7,000/- is awarded in favour of daughter. Husband do pay Rs. 15,000/- as cost of the proceeding. The order of the Trial Court that the amount will be payable from the date of order is maintained. The Trial Court is expected to dispose of the matter expeditiously and in any case, within three months from the date of receipt of the order. Rule is made absolute in aforesaid terms.

[T.V. NALAWADE, J.]

ssc/