

FARAD CONTINUATION SHEET NO.
 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 APPELLATE SIDE, BENCH AT AURANGABAD
FAMILY COURT APPEAL NO.06 OF 2016
WITH
CIVIL APPLICATION NO.12761 OF 2015

Vikram S/o Yeshwant Jathar Vs. Rekha W/o Vikram Jathar.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.K.Naikwade, advocate for the Appellant.
 Mrs.P.V.Langhe, advocate for Respondent.

**CORAM : S.V.GANGAPURWALA AND
 A.M.BADAR, JJ.**
Date : 29.02.2016.

PER COURT :

1. Heard.
2. The order directing payment of interim maintenance is assailed in the present appeal.
3. Mr.Naikwade, learned counsel for the appellant submits that the Court while passing the order of interim maintenance has failed to consider that the appellant has no independent source of income. The petitioner is not receiving rent of Rs.20,000/- (Rupees twenty thousand) p.m. The mother of the appellant is critically ill. He has to take care of the medical expenses. The mother is receiving meager pension amount. The learned counsel further submits that

the Family Court has awarded exorbitant maintenance amount. The proceedings for divorce are filed by the present appellant on the ground of desertion on the part of the Respondent. The Respondent has without any cause left the company of the appellant. The appellant could not have been directed to pay maintenance amount.

4. Mrs.Langhe, learned counsel for the Respondent submits that the appellant is getting salary of Rs.35,000/- (Rupees thirty five thousand) p.m. So also has a house property which he has given on rent at monthly rent of Rs.20,000/- (Rupees twenty thousand). Before the Family Court, the document was not available. Now the Respondent is in custody of the said document i.e. City Survey record. The Family Court has granted maintenance on the lower side.

5. We have considered the submissions.

6. It has been observed by the learned Judge of the Family Court that the mother of the appellant is getting pension of Rs.14,942/- (Rupees fourteen thousand nine hundred forty two) p.m. From the wedlock, the Appellant-Respondent also have one School going daughter. The maintenance of Rs.3,000/- (Rupees three thousand) p.m to the Respondent and Rs.3,000/- (Rupees three thousand) p.m to the daughter has been awarded. The house property also stands in the name of the appellant which he has given on rent and derives income of Rs.20,000/- (Rupees twenty

thousand) p.m.

7. The appellant is Diploma holder in Mechanical Engineering.

8. Considering the above, the amount of maintenance awarded is modest one. The Family Court appeal is dismissed. However, there shall be no order as to costs.

9. The appellant shall deposit the amount of maintenance as directed by the Family Court regularly and remaining arrears shall be deposited within two (2) weeks from today. Upon the arrears of the maintenance being deposited, the learned Judge of the Family Court shall dispose of the proceedings bearing Petition No.A-174/2014 expeditiously, preferably within nine (9) months. The parties shall cooperate in expeditious disposal of the said proceedings.

10. In view of disposal of Family Court Appeal, the Civil Application also stands disposed of.

(A . M . BADAR , J .)

(S . V . GANGAPURWALA , J .)

Dt.29.02.2016.
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