

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11715 OF 2012**

Sunil Shankar Adhav

..Petitioner

Vs.

Vaishali Sunil Adhav

..Respondent

Mr. Sachin Chavan for the Petitioner

Mr. Tanaji Mhatugade for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 10th JANUARY, 2017

P.C.

1 The order dated 22-6-2012 passed by the Learned 2nd Assistant Civil Judge Senior Division, Kolhapur, granting maintenance @ 15,000/- per month for the Respondent is taken exception to by way of the above Petition.

2 The Petitioner and the Respondent are estranged and a Petition for divorce has been filed by the Petitioner being HMP No.192 of 2009 before the Learned Civil Judge Senior Division, Kolhapur. It is an undisputed position that the HMP is pending. It is pending the said HMP that the instant application Exhibit 13 came to be filed by the Respondent claiming maintenance. It was the case of the Respondent that the Petitioner is a MSC-PhD and is employed in Taiwan and earns about 55,000/- New Taiwanese Dollars. It was the case of the Respondent that she is an Anganwadi Sevika and that she has no source of income and that she has to maintain herself and her son who is school going. The Trial Court has fixed the interim

maintenance @ 15,000/- per month having regard to the totality of the circumstances.

3 Whilst assailing the impugned order fixing the maintenance @Rs.15,000/-, it was sought to be contended on behalf of the Petitioner that the Respondent is working as Anganwadi Sevika in Village Aanur, Taluka Kagal, District Kolhapur. The Respondent is also drawing income from agricultural lands. It was therefore the submission of the Learned Counsel appearing for the Petitioner that the Respondent is also earning and therefore the maintenance fixed @ Rs.15,000/- is a bit excessive and exorbitant. However, pursuant to the last hearing, the Learned Counsel appearing on behalf of the Petitioner has taken instructions and pursuant to such instructions the Learned Counsel Mr. Chavan would submit that the Petitioner has no objection to bear expenses of the son who is school going and is accordingly ready to pay Rs.10,000/- as maintenance towards expenses of the son. The Learned Counsel expresses some reservations as regards the maintenance to be paid to the Respondent-wife.

4 In so far as the Respondent-wife is concerned, as indicated above even assuming she is working as Anganwadi Sevika, the said job is in the nature of social work and is not akin to that of a regular teachers job in a school. The amount paid is virtually by way of honorarium and is not by way

of a salary.

5 The Learned Counsel appearing for the Respondent would state that the Respondent is being paid Rs.2500/- as honorarium. In my view, having regard to the said figure or even assuming that the Respondent is being paid slightly higher amount, and is also earning some amount through cultivation of land, though no evidence is produced by the Petitioner in that regard, the said amount would obviously not suffice to take care of the needs of the Respondent and her son especially in todays times. Hence the Respondent would be entitled to maintenance from the Petitioner. Since the Petitioner is agreeable to pay the maintenance in the sum of Rs.10,000/- for the son, the balance amount which remains is only Rs.5000/-. In my view therefore no interference is called for with the impugned order in so far as it fixes the maintenance @ Rs.15,000/-. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]