

AGK/SSM/JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 58 OF 2008

IN

PETITION NO. C-16 OF 2005

AND

FAMILY COURT APPEAL NO. 59 OF 2008

IN

PETITION NO. A-1248 OF 2004

MR. UDAY MAHADEO TAMBOSKAR,

Aged 43, Indian Inhabitant,

Occupation: Business,

Residing at 6th Floor, Bhagirathi Niwas, Sir M.V.
Road, Mumbai – 400 069

AND Presently residing at Plot No. 54, Udyam
Nagar, Mazgaon Village, Taluka Sawantwadi,
District Sindhudurg, Maharashtra 416 541

...Appellant

Versus

MRS. APURVA UDAY TAMBOSKAR,

Age 39 years, An Inhabitant, Occupation:

Housewife, S.B. Parkar, Gurukrupa Coop.

Housing Society, 5/73, Siddharth Nagar IV,
Vivek College Road, Goregaon (West),

Mumbai – 400 062 AND Presently Residing at
601, Geeta Sagar Apartment, Off M.G. Road,
Goregaon (West), Mumbai – 400 062

...Respondent

WITH

FAMILY COURT APPEAL NO. 46 OF 2008

IN

PETITION NO. C-16 OF 2005

WITH
FAMILY COURT APPEAL NO. 47 OF 2008
IN
PETITION NO. A-1248 OF 2004

MRS. APURVA UDAY TAMBOSKAR,

Age 38 years, Indian Inhabitant,

Occupation: Housewife,

Presently residing at C/o. S.B. Parkar, Gurukrupa

Coop. Housing Society, 5/73, Siddharth Nagar

IV, Vivek College Road, Goregaon (West),

Mumbai – 400 062

...Appellant

Versus

MR. UDAY TAMBOSKAR,

Aged 43, Indian Inhabitant,

Occupation: Business,

Residing at 6th Floor, Bhagirathi Niwas, Sir M.V.

Road, Mumbai – 400 069

...Respondent

APPEARANCES

**FOR THE APPELLANT
HUSBAND IN FCA 58/08 &
59/08 (THE RESPONDENT IN
FCA 46/08 & 47/08)**

**Mrs. Manjula Rao, with Ms. Rupali
Naik.**

**FOR THE RESPONDENT WIFE
IN FCA 58/08 & 59/08 (THE
APPELLANT IN FCA 46/08 &
47/08)**

**Mr. Shashank C. Thatte, with Mr.
Ranjit A. Agashe**

CORAM:

**A.S. Oka &
G.S. Patel, JJ.**

RESERVED ON:

4th December 2015

PRONOUNCED ON: 3rd May 2016

P.C.

1. All four appeals are disposed of by a speaking judgment separately delivered and signed today. We have indicated that having regard to the nature of the evidence and the interest of the parties' three minor children, our judgment is not to be uploaded. We reproduce the operative portion of our judgment:

- (a) FCA 59 of 2008 filed by the husband against the order in his divorce Petition A-1248 of 2004 is allowed in part. The decree is modified to one of divorce. The order of payment of Rs.10,000 per month to the wife is sustained.
- (b) FCA No.58 of 2008, the husband's appeal in the wife's maintenance Petition No. C-16 of 2005, is dismissed.
- (c) The wife's FCA No. 46 of 2008 against the order in her own maintenance Petition No. C-16 of 2005 is dismissed.
- (d) The wife's FCA No. 47 of 2008 against the order in the husband's divorce Petition No.A-1248 of 2004 is also dismissed.

2. We reserve liberty to the wife to apply to Court in an appropriate proceeding for an enhancement of the maintenance for the minor children. She may also apply separately, proving a change in circumstances, for an enhancement of maintenance (not for accomodation or rent) for herself.

3. At the request of Mr. Thatte, the operation of the decree for divorce is stayed for 12 weeks from today.

(G.S. Patel, J.)

(A. S. Oka, J.)