

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
CIVIL APPLICATION NO.125 OF 2016 IN
FAMILY COURT APPEAL NO.219 OF 2008

Sanjay Madhukar Mungekar ...Applicant
vs.
Saili Sanjay Mungekar ...Respondent

Ms Prabha Uday Badadare for the applicant
Ms Anjali Helekar for the respondent

CORAM : A.S.OKA, &
A.A.SAYED, JJ.
DATE : JUNE 15, 2016

1 Heard the learned counsel for the applicant-husband and the learned counsel for the respondent-wife. The prayer in this application is for modification of the order dated 20th December 2013 passed by this Court in Civil Application No.83 of 2012 in the present appeal. By the said order, the applicant-husband who is employed with Cambata Aviation Private Limited was directed to pay interim maintenance at the rate of Rs.7,500/- per month after finding that in October 2013, the net earnings of the applicant-husband were Rs.18,084/- per month. The present application is filed on the ground that the employer is not paying full salary to the applicant-husband. It appears that a charge sheet was served to the applicant-husband. Thereafter, he was suspended and with effect from 22nd December 2015, the suspension has been revoked while issuing warning to the applicant-husband. Reliance is

placed on the documents annexed to the additional affidavit tendered by the applicant-husband to show that full salary is not being paid by the employer of the applicant-husband. There is nothing on record to show that the applicant-husband has filed any proceedings against the employer making a grievance about the non payment of full salary to him. Instead of filing appropriate proceedings, the applicant has produced a certificate allegedly issued by his employer requesting all concerned to bear with him as he is not able to pay alimony to his wife. Apart from the contention of the respondent-wife that the family of the applicant-husband is possessing a large agricultural land, this Court is concerned with the earning capacity of the applicant-husband. The contention that the applicant is not being paid full salary cannot be accepted for its face value in absence of concrete material. Hence, there is no reason to modify the order granting interim maintenance. The civil application is rejected.

2 However, on the prayer made by the learned counsel for the applicant-husband, we grant time of two months from today to clear the arrears of maintenance payable till today.

(A.A.SAYED,J.)

(A.S.OKA,J.)