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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******CIVIL APPLICATION No. 336 OF 2015******IN******FAMILY COURT APPEAL No. 197 OF 2015******Mrs. Eureka Joy, d/o. Alfred Baptista******....Applicant/
Appellant******In******Mr.Joy Anthony Payyapply******....Respondent***

Ms. Pinky M. Bhansali for Applicant / Appellant
None for the Respondent

***CORAM : V. M. KANADE &
SMT. SWAPNA S. JOSHI, JJ***

DATE : SEPTEMBER 23, 2016

P.C. :

1. Civil application is filed for enhancement of the maintenance amount which was granted by the Family Court. It is not in dispute that the Respondent – husband is working in Dubai and is earning 5,396/- p.m. Dirham, which is equivalent to Rs.75,000/- p.m as per the Indian Currency in the month of November, 2012.

2. Though time was taken by the advocate for the Respondent –

husband in March, 2016 for filing an affidavit in reply, he has not filed any reply till today. It is obvious that the Respondent -Husband is trying to protract the proceedings. Today in the morning as well as in the afternoon session, the advocate for the Respondent -husband did not appear before us. The Trial Court has granted maintenance of Rs.10,000/- p.m. to the Appellant-wife and Rs.5,000/- p.m. to their daughter.

3. Taking into consideration the aforesaid facts, we are of the view that the prima facie case is made out by the Applicant/Appellant for enhancing the said amount by way of granting ad-interim reliefs in terms of prayer clause (a) to (c) as prayed in the civil application filed by the Applicant for enhancement of the maintenance amount.

4. The maintenance amount, therefore, is enhanced as prayed by the Applicant /Appellant in the Civil Application. Maintenance amount granted by the Family Court for Rs.10,000/- p.m. is enhanced to Rs.15,000/- p.m. to the Applicant/Appellant wife. Maintenance amount granted by the Family Court for Rs.5,000/- p.m. to the daughter is enhanced to Rs.10,000/- p.m. This amount shall be paid from today onwards.

5. Since the daughter is five years' old and she is admitted in the school. Taking into consideration her school requirements and expenses incurred by the Applicant wife, her maintenance is enhanced from Rs.10,000/- pm. to Rs.15,000/- p.m. Civil Application is allowed and disposed of in terms of prayer clauses (a) to (c).

SWAPNA S. JOSHI, J.

V.M. KANADE, J.