

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.31267 OF 2016

Mikit Arvind Bhuptani

..Petitioner

Versus

Chaitra Mikit Bhuptani

..Respondent

Mr. V. S. Sharma for the Petitioner.

Mr. Vivek Kantawala i/by Vivek Kantawala & Co., for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 22nd DECEMBER, 2016

PC.

1 The writ jurisdiction of this Court is invoked against the order dated 04.10.2016 passed by the Learned Judge of the Family Court No.5, Mumbai, by the said order, the application Exh.7 filed by the Respondent wife for interim maintenance for the daughter 'Tvisha' came to be partly allowed in terms of the directions as contained in the operative part of the impugned order. The said directions for the sake of ready reference are reproduced hereinunder :-

“1. The application is partly allowed.

2. Respondent shall pay Rs.15,000/- p.m. towards interim maintenance of minor daughter 'Tvisha' from the month of filing of this application i.e. from June 2015.

3 Petitioner's claim for rent and separate accommodation is dismissed.

4 Respondent shall pay Rs.5,000/- towards cost o the application.”

2 Suffice it would be state that the Trial Court has fixed the said interim maintenance on the basis of the material which was placed on record by the parties. An Affidavit-in-Reply has been filed on behalf of the Respondent to which a Rejoinder has been filed by the Petitioner. During the course of the hearing of the above Petition, this Court has gone into the material i.e. the salary of the Petitioner, the school and other expenses of the child 'Tvisha', the salary of the Respondent wife, after going through the said material this Court prima-facie expressed an opinion that the maintenance granted to child 'Tvisha' at Rs.15,000/- is a bit excessive.

3 Upon this, the Learned Counsel appearing for the Respondent made a statement that the Respondent is agreeable to the grant of Rs.8,500/- per month as interim maintenance to the child 'Tvisha'.

4 To this, the Learned Counsel appearing for the Petitioner Mr. V. S. Sharma on instructions of the Petitioner who is personally present in Court gave his acceptance.

5 Hence the impugned order passed by the Family Court in so

far as the grant of maintenance would stand modified by the figure Rs.15,000/- being substituted by the figure Rs.8,500/-. In so far as the amount granted vide clause 4 of the operative part, the same would stand set aside.

6 Since the interim maintenance is payable from June 2015, the amount comes to Rs.1,36,000/-. It is required to be noted that the Respondent wife has already borne the educational expenses of the child for the year 2015-16 as also borne the educational expenses for the year 2016-17, in my view, therefore, the Petitioner would have to clear the arrears of Rs.1,36,000/- with reasonable despatch. Hence the following directions :-

I) An amount of Rs.50,000/- to be paid to the Respondent on or before 05.01.2017.

II) An amount of Rs.50,000/- to be paid on or before 05.02.2017 and the balance remaining Rs.36,000/- to be paid on or before 28.02.2017.

III) However the monthly maintenance due for December would have to be paid along with amount of Rs.50,000/- i.e. first installment and thereafter monthly maintenance would have to be paid alongwith the installment as directed by the instant order.

7 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]