

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4068 OF 2016

(TEJRAM MOTIRAM MANKAR ..VS..SMT. CHITRALEKHA TEJRAM MANKAR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 18, 2016.

Heard Shri S.G.Karmarkar, advocate for the petitioner.

The order passed by the trial Court directing the petitioner to pay Rs.2,500/- per month to the respondent No.5 towards maintenance of three children living with her, is challenged.

It is submitted that the respondent is working as teacher and is getting salary of Rs.30,000/- per month and therefore, she has resources to maintain the children. It is further submitted that the petitioner is paying Rs.6,000/- per month towards maintenance of the children pursuant to the order passed by the learned Magistrate in proceedings under Section 125 of the Code of Criminal Procedure and the learned Civil Judge could not have directed the petitioner to pay additional amount of Rs.3,500/- per month in the proceedings under Section 24 of the Hindu Marriage Act, 1955.

The children are aged about 16 years, 14 years and 12 years. Considering the fact that the petitioner is

working as Junior Engineer and the respondent is working as Teacher, as claimed by the petitioner, in my view, the amount of maintenance as directed by the learned trial Judge is not on the higher side as the children are entitled for maintenance as per the status of the parents. The submission made on behalf of the petitioner that the directions could not have been issued in the proceedings under Section 24 of the Hindu Marriage Act, 1955, cannot be considered as such objection was not raised before the trial Court. I am not inclined to entertain the petition.

The petition is **dismissed**. No costs.

JUDGE

Raut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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