

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

FAMILY COURT APPEAL NO.17 OF 2016

Sameena Khan W/o Mujammil
Khan. ... Appellant.

Versus

Mujammil Khan S/o Chand
Khan. ... Respondent.

...

Mr.S.N.Gaikwad, advocate for the appellant.
Ms.Fatema Kazi, advocate holding for Mr.S.S.Kazi,
advocate for the Respondent.

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**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

Date : 14.08.2017.

PER COURT :

1. Learned counsel for the appellant submits that the appeal is filed on two counts :
 - (i) Visitation right to meet the child every Saturday between 2 and 6 p.m. and
 - (ii) For enhancement of maintenance.

The learned counsel for the appellant submits that the Respondent is not interested in meeting the child and only enters into the conversation on mobile phone without talking to the son Mubasshir and whenever he talks, he threatens the son.

2. Learned counsel further submits that the amount of maintenance granted is too meager. The son is aged 6 years and is required to be given admission in a good school. Rs.5,000/- (Rupees five thousand) would be too meager. The learned counsel further submits that the expenses are ever increasing and inflation is also the order of the day. As such, 10% increase every year should be directed.

3. Learned counsel for the Respondent submits that the visitation right were only for a period of one year and the said period has lapsed. The Respondent is required to pay maintenance to son at the rate of Rs.5,000/- (Rupees five thousand) p.m. that too is on higher side.

4. Upon perusal of the judgment of the Family Court, it is manifest that the visitation rights as directed were for only one year. The said judgment is dated 26.10.2015. The period of one year has lapsed. The said prayer now does not survive. In view of that, we are not going into the merits of the contentions of either of the parties.

5. As far as maintenance is concerned, the parties have not placed on record the income of the Respondent. The Court has directed payment of Rs.5,000/- (Rupees five thousand) p.m. If there are changed circumstances, the appellant has every right under the statute to move for enhancement of maintenance. For the said purpose, the circumstances are required to be brought on record which can be done in appropriate proceedings.

6. Considering the judgment passed as on date, we do not see any infirmity in the same.

7. The Family Court Appeal is disposed of.
No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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