

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.28 OF 2017
IN
FAMILY COURT APPEAL NO.18 OF 2016**

Snehal Milind Gurav	..Applicant
Versus	
Milind Sakharam Gurav	..Respondent

Mrs. Laxmi P Rao for the Applicant.
Shri. Uday P. Warunjikar for the Respondent.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 11th JULY, 2017**

P.C.

1 The above Civil Application has been filed by the Applicant/

Appellant for the following reliefs :-

- “a) That the Respondent-husband be directed to produce the last three months salary slips as well as Form 16A for the preceding three months.
- b) That the Respondent be ordered and directed to pay the educational expenses for the minor daughter Pranjali to the tune of Rs.1,00,000/-
- c) That the Respondent be ordered and directed to hand over vacant and peaceful possession of Shop No.9, Sai Nakshatra, CHS Ltd., Plot No.97, Sector-16, Koparkhairane, Navi Mumbai, in the alternative the Applicant be permitted to sell the said Shop and the sale proceeds from the sale be distributed amongst the Appellant and the Respondent and that a responsible officer of this Court be directed to carry out the said sale.”

2 The Applicant is the original Appellant who had filed the

Marriage Petition in question which came to be decreed as the Learned Judge of the Family Court allowed the said Marriage Petition and a decree of divorce came to be passed on the ground of cruelty, as also maintenance of Rs.10,000/- was granted to the daughter Pranjali. The above Family Court Appeal has been admitted and pending hearing and final disposal. The cause for moving the above Civil Application is principally for the educational expenses of the younger daughter Pranjali. In so far as the educational expenses are concerned, on page 2 paragraph 3 of the Civil Application, the amounts under different heads have been mentioned. The same are reproduced hereinunder for the sake of ready reference :-

“Her tuition fees is	Rs.80,000/- per annum.
Books and instruments is	Rs.10,000/- per annum.
Fees of Coaching Classes is	Rs.20,000/- per annum
Total	Rs.1,10,000/- per annum.”

3 In so far as the tuition fees are concerned, the Learned Counsel for the Applicant fairly concedes that since the Applicant and the Respondent belong to the OBC category, the fees for a student belonging to the OBC category are Rs.35,000/- and not Rs.80,000/- as mentioned in the table produced in paragraph 3. In view of the said difference, the total amount comes to Rs.65,000/-. It is required to be noted that daughter Pranjali has been granted maintenance in the sum of

Rs.10,000/- by the Learned Judge of the Family Court by the impugned judgment and order. The Learned Counsel appearing on behalf of the Respondent-husband Shri. Uday Warunjikar has tendered a statement mentioning therein the amount which has already been paid by the Respondent towards the maintenance of the daughter Pranjali and outstanding amount. The outstanding amount is in the sum of Rs.80,000/- as per the said statement. The said statement is taken on record and marked "X" for identification.

4 In our view, the interest of justice would be served if out of the educational expenses of Rs.65,000/- for the present year i.e. 2017-2018, the Respondent-husband is directed to pay a sum of Rs.40,000/- towards the said educational expenses. The same to be done within four weeks from date. In so far as the outstanding arrears of Rs.80,000/- are concerned, since the arrears are not covered by the attachment of the salary of the Respondent which has been done on account of the execution filed by the Applicant in respect of maintenance granted to her prior to the said Marriage Petition being decided, we deem it appropriate to direct the Respondent to clear the arrears by two installments. The first installment to be paid on or before 31.08.2017 and the second installment to be paid on or before 30.09.2017. This takes care of the educational expenses for the year 2017-2018 and the maintenance of the

daughter Pranjali.

5 In so far as the reliefs relating to the Shop are concerned, it is not possible to grant the said reliefs as the said reliefs have been rejected by the Learned Judge of the Family Court whilst adjudicating the Marriage Petition. Hence, no relief can be granted to the Applicant qua the Shop in question.

6 The Learned Counsel appearing for the Applicant Mrs. Laxmi P Rao would submit that some amount be directed to be paid towards the marriage expenses of the elder daughter Pradnya. It is not possible to issue such a direction unless the marriage of the elder daughter is fixed. No relief in that regard is also sought in the above Civil Application. Hence by keeping the said claim open for being agitated at the appropriate time, we do not express any opinion in respect of the said claim. The other relief of the Respondent being directed to produce his salary slips and Form 16A are not necessary to be issued in view of the directions which have already been issued by the instant order in respect of the arrears of maintenance of daughter Pranjali as well as her educational expenses. The Civil Application is accordingly disposed of.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]