

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 155 OF 2015
IN
FAMILY COURT APPEAL NO. 81 OF 2015

Mrs. Mangala Mohan Khedekar ...	Applicant
Vs.	
Mr. Mohan Dattaram Khedekar ...	Respondent

Mrs. Jayashree Gite i/b. Shri A.B.Tajane for the Applicant.
Mr.H.G.Wakshe for the Respondent.

CORAM: R.M.SAVANT &
SMT.SADHANA S.JADHAV, JJ.
DATE : 26th July 2017.

P.C.

The above Civil Application has been filed for claiming maintenance from the Respondent-husband. The above First Appeal has been admitted. The claim for maintenance is on the basis that the Appellant was suffering from malignancy in the year 2011. The documents placed on record disclose that she has been operated in the year 2011 and thereafter there are subsequent reports of the year 2015 which disclose that the malignancy does not exist. At the hearing of the Marriage Petition, it has come on record that the Respondent-husband had provided the finance by way of the insurance money which was handed over to the Applicant.

2. Insofar as the Applicant is concerned, the record discloses that

she has studied Fine Arts in the J.J. School of Architecture, Mumbai. She is in Fashion Designing and the premises where she carries on the said avocation is also purchased by the Respondent-husband. There is no dispute about the fact that the said avocation of Fashion Designing is still being carried out by the Applicant and she earns out of the same. The Respondent -husband, it seems, has taken VRS and is therefore a retired person, though it is the case of the Applicant that his monthly income is in the region of Rs.60,000/-. However, in the Application filed for maintenance, it has been stated by the Applicant that the Respondent out of his VRS benefits is getting monthly income of Rs.25,000/-. In our view, since the Applicant was taken care of during the period when she was suffering from malignancy and also having regard to the fact that the Applicant has been doing business since the year 1985, no case for grant of maintenance is made out. The Civil Application is accordingly rejected.

(SMT. SADHANA S.JADHAV, J.)

(R.M.SAVANT,J.)