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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 172 OF 2015
IN
FAMILY COURT APPEAL NO. 94 OF 2015

Vasudha Vijay Shinde

..Applicant.

Vs.

Vijay Ganpat Shinde

...Respondent

Mr. Haridas Rajendra Madhukaar for Applicant.

Ms. Seema Sarnaik a/w Amey Tamhane for Respondent.

CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.

DATE: 11 JANUARY 2017.

P.C.:

1 By this application, the applicant-wife is seeking directions against respondent-husband in respect of payment of maintenance amount to her daughter who is studying in 4th standard in English medium. The applicant also contends that she is unemployed and is not being paid any amount by the husband for her maintenance.

2 The learned counsel for the applicant-wife submits that applicant-wife was receiving Rs.4000/- per month from the husband, during pendency of proceedings before the Family Court, however after disposal of matter husband has stopped paying amount.

3 The application is opposed by the learned counsel for the respondent-husband. It is contended that the applicant-wife has suppressed material facts, In the affidavit-in-reply presented by the husband, it is categorically stated that the husband is prepared to take responsibility of the expenses required for education of his daughter. It is further averred that the applicant-wife owns a flat at Mira Road and is earning income of approximately Rs.7000/- per month by way of rent. It is further contended that the wife was employed earlier, however, she relinquished the employment.

4 Considering the facts and circumstances of the case and upon hearing the learned counsel for the parties, we are of the opinion that, at this stage of the proceeding, the maintenance amount being paid to daughter needs to be enhanced. At present, the maintenance of Rs.4000/-

per month is being paid to the daughter. However, considering the fact that much more amount is needed for pursuing education of his daughter, we deem it appropriate to direct the respondent-husband to pay Rs.10,000/- per month towards maintenance of daughter from January 2017 onwards regularly. The amount towards maintenance of daughter at rate specified above shall be deposited in the bank account of applicant-wife.

5 So far as the issue in respect of maintenance payable to wife is concerned, the same may not be dealt with at this stage. Hearing of the appeal is expedited. However, in the event of appeal remaining pending beyond one year or on account of any changed circumstances, it would be open for the applicant-wife to revive her prayer for grant of maintenance for herself.

6 The Civil Application is disposed of.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)