

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 180 OF 2015
IN
FAMILY COURT APPEAL NO.159 OF 2015**

Mrs. Cynthia Clarence Demello

Maidan name

Cynthia Dominic D'souza ... Applicant.

Versus

Mr. Clarence Edward Demello ... Respondent.

....

Mr. Deepti Mukesh i/b. Baptist D'souza for the applicant.

Mr. L.M. Jadhav for Respondent.

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***CORAM : Smt. Vasanti A Naik &
Sarang V. Kotwal, JJ.***

DATE : 19th December, 2017.

P.C. :

Heard.

By this civil application, the applicant seeks a direction against the respondent to pay a sum of Rs.5,000/- per month to her, towards maintenance during the pendency of the appeal. A prayer is also made by the applicant for a direction against the respondent to pay the arrears of maintenance at the earliest.

The prayer made by the wife for a direction to the husband to pay the arrears of the maintenance could be granted by the executing Court. It would be necessary for the appellant-applicant to move the executing Court for the execution of the order

granting interim maintenance during the pendency of the proceedings filed by the husband for a decree of divorce, if the amount is not paid.

However, the prayer made by the wife for grant of interim maintenance needs to be granted. The respondent-husband is directed to pay a sum of Rs.1,500/- per month to the wife during the pendency of the appeal. The respondent should pay the arrears of maintenance payable to the wife from the date of the application filed in this court, within four months. The monthly maintenance of Rs.1,500/- should be paid to the applicant-wife regularly during the pendency of the appeal.

With these observations and directions, the civil application is disposed of.

(Sarang V. Kotwal, J)

(Smt. Vasanti A Naik, J)