

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8022 OF 2016**

Mrs. Sharmila Kunal Pagare

..Petitioner

Vs.

Mr. Kunal Kacharu Pagare

..Respondent

**Mr. Sanjeev Sawant a/w Mr. B. K. Barve a/w Mr. Sandeep Barve and Ms
Sheetal S. i/b B.K.Barve & Co. for the Petitioners
Ms Vasanthi Bangera for the Respondent**

**CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2017**

P.C.

1 The order dated 5-5-2016 passed by the Learned Judge of the Family Court, partly allowing the application for interim maintenance only to the extent of granting Rs.5000/- towards costs of litigation expenses, is taken exception to by way of the above Petition.

2 The Learned Judge of the Family Court has considered the case put up by the respective parties and on such consideration the Learned Judge concluded that income of the Respondent husband is in the region of Rs.20,000/- whereas the income of the Petitioner is in the region of Rs.4000 to Rs.5000/-. The Learned Judge on the ground that there is only a marginal difference between the two incomes, therefore rejected the application for interim maintenance. It seems that whilst the matter was before the Trial Court, the Respondent had shown his inclination to pay maintenance of

Rs.2,500/- per month to the Petitioner. The said fact is recorded in paragraph 3 of the impugned order. The relevant excerpt of the said paragraph 3 is reproduced herein under:

“The Respondent husband's Advocate Smt. Samant during her argument has submitted that the respondent is ready to pay Rs.2,500/- per month towards interim maintenance of the Petitioner.”

3 The Learned Counsel appearing on behalf of the Respondent husband fairly states that the Respondent husband is agreeable to pay interim maintenance of Rs.2500/- p.m. to the Petitioner. Statement accepted. In view of the said statement, the impugned order would stand modified to the extent that the Respondent husband would pay interim maintenance to the Petitioner in the sum of Rs.2500/- per month from 5-5-2016 i.e. the date of the order of the Family Court. The arrears to be paid within 6 weeks from date.

4 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]