

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION STAMP NO.16974 OF 2017
IN
WRIT PETITION NO.859 OF 2017**

Smt. Anjali Virendra Bobde : Petitioner.
Versus
Virendra Radhakrishna Bobde : Respondent.

Mr. Nikhil M Pujari for the Review Petitioner.
Mr. Ameya Deshpande for the Respondent.

CORAM : R. M. SAVANT, J
DATE : 15th December 2017

P.C. (In chamber at 2.45 pm)

1 By an order passed today in Civil Application No.236 of 2017 the delay in filing the above Review Petition is condoned. By consent of the learned counsel for the parties the above Review Petition is taken up for hearing.

2 The above Review Petition has been filed seeking review of the order dated 18/01/2017 passed by this Court (R.M.Savant,J.) in the above Writ Petition. By the said order the above Writ Petition filed by the Respondent/husband came to be partly allowed and the maintenance which was granted to the Review Petitioner was reduced from Rs.3000/- per month to Rs.2000/- per month and therefore with permanent alimony of Rs.4000/-, the Review Petitioner was to get Rs.6000/- per month. The principal reason for reducing the said amount of maintenance from Rs.3,000/- to Rs.2,000/-

can be seen from paragraph 4 of the said order viz. Since the Respondent/husband has retired after the maintenance at Rs.3,000/- per month was fixed and is getting pension of Rs.7,680/- per month after commutation of the pension. The maintenance fixed at Rs.3,000/- per month was found to be on the higher side if the same is to be considered along with Rs.4,000/- which was granted as alimony.

3 The review of the order dated 18/01/2017 is sought principally on the basis of the information which the Review Petitioner has got under the Right to Information Act from the Public Information officer and Treasury Officer, Ahmednagar. The said information has been furnished vide letter dated 14/03/2017 which is annexed to the above Review Petition at page 24. The said information discloses that the Respondent/husband is receiving total amount of Rs.23680/- as and by way of pension which is the total of the commuted pension plus the dearness allowance (item 3+4 below). The said amount has been arrived at in the following manner (English Translation) :-

1]	Basic Pension	:	Rs.12800/-
2]	Commuted Pension	:	Rs.5120/-
3]	Post Commutation Pension	:	Rs.7680/-
4]	Dearness Allowance @ 125%	:	Rs.16000/-
			Rs.23680/-

At the foot of the said letter dated 14/03/2017 it is mentioned that pension in the sum of Rs.23,680/- is being paid. Hence the said information discloses the amount which the Respondent/husband is receiving as pension post his retirement. As indicated above the amount of Rs.1,000/- per month was deducted from the maintenance payable to the Review Petitioner on the premise that the Respondent/husband is getting pension of Rs.7680/-. The fact that the Respondent/husband is getting the pension of Rs.23,680/- is not disputed by the learned counsel appearing for the Respondent/husband.

4 In view thereof, the order dated 18/01/2017 is required to be reviewed and is accordingly reviewed only to the extent of the maintenance payable to the Review Petitioner. The said maintenance is accordingly enhanced by Rs.1,000/- so as to make the total amount payable by the Respondent/husband as maintenance to the Review Petitioner as Rs.3,000/- per month along with Rs.4,000/- per month as permanent alimony, the Review Petitioner would get Rs.7,000/- per month in total. The said enhanced amount of Rs.1,000/- would be payable from January 2018. The learned counsel for the Review Petitioner fairly states that he would not claim the arrears for the earlier period on the basis of Rs.3,000/- per month as maintenance. Statement accepted. The above Review Petition to accordingly stand disposed of.

[R.M.SAVANT, J]