

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

WRIT PETITION NO. 9351 OF 2017

Gahaninath Bhimaji Aglave ... **Petitioner.**

V/s.

Sou. Shubhangi Gahininath Aglave ... **Respondent.**

- Mr.Vilas B. Tapkir for the Petitioner.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATED : 4th OCTOBER, 2017.

P.C. :-

1] Heard the learned counsel for the Petitioner-husband.

2] This Writ Petition is preferred against the order dated 12/08/2016 passed by 15th Jt. Civil Judge Senior Division, Pune in H.M.P. No.1032 of 2013.

3] By the said order, the Petitioner-husband is directed to pay an amount of Rs.1,35,000/- to meet the educational expenses of his son Anurag for the Academic Year 2016-2017.

4] The only contention raised by the learned counsel for the Petitioner-husband is that the Respondent-wife is also a teacher in Zilla Parishad School and was earning the net salary of Rs.20,375/- in the year 2013, which must be increased at present. It is further submitted that she has already paid an amount of Rs.30,000/- towards the tuition classes fees of his son Anurag. According to learned counsel for the Petitioner-husband, as the Respondent-wife is also earning the income, then she should bear the equal educational expenses of their son Anurag.

5] However, the order passed by the trial Court shows that the salary of the Petitioner-husband as per salary slip produced on record reveals that, his gross salary is on an average to the tune of Rs.50,000/- per month. Therefore, even accepting that the Respondent-wife is also doing the service as a teacher and earning income, having regard to her salary of Rs.20,375/- per month, the salary of the Petitioner-husband is more than double the said amount and, therefore, it follows that the Petitioner-husband should bear the major portion of educational expenses of their son Anurag in proportionate at-least to his salary. As the Respondent-wife has already paid the amount of Rs.30,000/- towards the tuition classes

fees of their son Anurag, now it is the turn of the Petitioner-husband to pay the balance amount of the said expenses which comes to Rs.1,05,000/-.

6] It is pointed out that, the Petitioner-husband has already deposited an amount of Rs.60,000/- out of the amount of Rs.1,35,000/-, hence balance amount remained Rs.45,000/-. Considering the salary of the Petitioner-husband, I do not find any reason to exempt the Petitioner-husband from paying balance amount of Rs.45,000/-.

7] The Writ Petition is, therefore, allowed partly with modification that as already the Respondent-wife has paid an amount of Rs.30,000/-, the Petitioner-husband is directed to pay amount of Rs.1,05,000/- only. As out of that amount, the Petitioner-husband has already deposited Rs.60,000/-, he should deposit balance amount of Rs.45,000/- within four weeks from today.

8] Writ Petition stands disposed of in above terms.

(DR. SHALINI PHANSALKAR-JOSHI, J.)