

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 46 OF 2016
WITH
CIVIL APPLICATION NO. 286 OF 2015
CIVIL APPLICATION NO. 287 OF 2015
IN
FAMILY COURT APPEAL NO. 170 OF 2015**

Dr. (Mrs.) Pooja Deepak Tulpule. ..Appellant.
Vs.
Dr.(Mr.) Deepak Surendra Tulpule. ..Respondent.

Ms. Seema Sarnaik, for the Applicant.

Ms. Pratibha Joshi Dalal i/b. Shri Rahul Garg, for the Respondent.

**CORAM : R. M. SAVANT &
SMT.SADHANA S. JADHAV, JJ
DATE : 5th JULY, 2017**

P.C.

1 The above Civil Applications have been filed in the above the
Family Court Appeal which has been admitted by the Division Bench of this
Court on 10/9/2016.

2 By the above Civil Application No. 46 of 2016, the Applicant
claims maintenance for the son, which has been rejected by the learned Judge
of the Family Court on the ground that the son has turned a major. The son is

presently prosecuting studies in Bachelor of Computer Science (BCS). He is about 20 years of age. From the reply filed on behalf of the Applicant wife and the rejoinder thereto filed on behalf of the Respondent husband, it can be deciphered that the husband has been looking after the education expenses of the son. The Applicant-wife is also a qualified Veterinarian and she has her clinic at Wanowrie, Pune, which is now exclusively meant for her practice, as the Respondent husband has withdrawn himself from the said clinic and is in the process of setting practice elsewhere.

3 Insofar as the son who is taking education and who is a major, in our view, it would be the responsibility of the husband and wife to take care of the maintenance of their son. Having regard to the said fact, as also having regard to the fact that the educational expenses are being taken care of by the Respondent-husband, no relief can be granted to the Applicant-wife in the above Civil Application. The Civil Application is accordingly rejected. We hope and trust that the husband would continue to take care of the educational expenses as well as expenses for the special tuition classes, which the son would choose to join.

4 Insofar as the Civil Application No. 286 of 2015 is concerned, the same has been filed for stay of the Decree of Divorce. The above Family Court

Appeal has been admitted. We therefore, do not see any warrant to grant the relief sought by way of the Civil Application as the pendency of the Appeal itself operates as an impediment for the spouses from getting married. Hence, the Civil Application to accordingly stand disposed of.

5 Insofar as the Civil Application No. 287 of 2015 is concerned, by the said Civil Application, the Applicant-wife has sought an injunction to restrain the Respondent-husband from evicting her from the matrimonial house, which is in her occupation and where she is residing with the two children. The learned Counsel for the Respondent-husband makes a statement that the Applicant-wife and children would not be evicted from the premises, which are in their occupation i.e. the first floor of the residential house belonging to the mother of the Respondent-husband. Moreover, there is already an ad-interim order operating in favour of the Applicant-wife. We therefore, confirm the said ad-interim order and dispose of the said Civil Application.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]