

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.376 OF 2014
IN
FAMILY COURT APPEAL NO.267 OF 2014

Arun Jayaram Tambe ...Applicant
vs.
Mrs. Anjali Arun Tambe ...Respondent

Mrs. Prabha Badadare, for the Applicant
Mr. P.J. Pawar, for the Respondent

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 06, 2017

P.C.:

. Parties through their counsel.

2. It is not in dispute that the Family Court has awarded maintenance to the wife and two children to the extent of Rs. 14,000/- p.m. Out of which Rs. 4,000/- was awarded towards the house accommodation for his wife and the children. This Court vide its order dated 26th November, 2014 passed an order staying the maintenance amount awarded by the Family Court subject to the Appellant's paying Rs. 9,000/- inclusive of the house accommodation.

3. The learned counsel for the Respondent submit that the daughter of the Appellant is studying in 12th standard and son is studying in 8th standard and it is impossible for her to get them educate in the amount which has been ordered to be paid vide order passed by this Court on 26th November, 2014. In the said order, for children the amount was ordered to be paid at the rate of Rs. 2,000/- per children.

4. Today the learned counsel for the Appellant has produced the salary certificate of the Appellant. The Appellant is working in the Municipal Corporation of Greater Mumbai and his gross income is Rs. 37,449/-. It is not in dispute that his Net pay is Rs. 24,902/-.

5. In the circumstances, keeping in view the fact that the Family Court has ordered Rs. 18,000/- in all and the order was stayed in the year 2014 by this Court directing the Appellant to pay Rs. 9,000/- in all, we are of the view that taking into consideration the fact that now the children are studying in higher classes and also taking into consideration the Net take home salary of the Appellant which is Rs.24,902/-, we are inclined to modify the order

dated 26th November, 2014 directing the Appellant to pay Rs. 12,000/- in all inclusive of the maintenance to wife and children and the house accommodation, till the final disposal of the Appeal.

6. The amount shall be payable with effect from 1st August, 2017.

7. In case there is any default by the Appellant for making the payment, the Municipal Corporation shall deduct the amount from the Appellant's salary and shall pay the same to the Respondent.

8. With the aforesaid direction, Civil Application is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)