

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

**CIVIL APPLICATION NO.314 OF 2016
IN
FAMILY COURT APPEAL NO.14 OF 2015**

Mrs. Pooja Raj Suryawanshi	..Applicant
Versus	
Mr. Raj Bapu Suryawanshi	..Respondent

**ALONGWITH
CIVIL APPLICATION NO.322 OF 2014
IN
FAMILY COURT APPEAL NO.14 OF 2015**

Mrs. Pooja Raj Suryawanshi	..Applicant
Versus	
Mr. Raj Bapu Suryawanshi	..Respondent

**ALONGWITH
CIVIL APPLICATION NO.88 OF 2015
IN
FAMILY COURT APPEAL NO.161 OF 2015**

Mr. Raj Bapu Suryawanshi	..Applicant
Versus	
Mrs. Pooja Raj Suryawanshi	..Respondent

Shri. C. G. Jadhav i/by Shri. Mahesh Thorat for the Applicant in Civil Application No.88 of 2015 and for Respondent in Civil Application No.314 of 2016 and Civil Application No.322 of 2014.

Shri. Ravindra Vishnulaxmi Sankpal i/by R. V. Sankpal & Associates for the Applicant in Civil Application No.314 of 2016 and Civil Application No.322 of 2014 and for Respondent in Civil Application No.88 of 2015.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 23rd JUNE, 2017**

PC.

1 The above Family Court Appeals which are cross Appeals have been admitted on 09.12.2016 and are pending hearing and final disposal. The above Civil Application No.88 of 2015 is filed by the Applicant – husband seeking stay of the order of the maintenance granted in favour of the wife and daughter of the Applicant. The above Civil Application No.314 of 2016 is filed by the Applicant - wife seeking enhancement in the maintenance. In so far as the Civil Application No.322 of 2014 is concerned, the same is also filed by the Applicant - wife for stay of the decree of divorce.

2 Since enhancement of the maintenance is sought vide Civil Application No.314 of 2016, we deem it appropriate to consider the said Civil Application at the first instance. The maintenance granted by the impugned judgment and decree passed by the Family Court in the sum of Rs.2000/- for the Applicant - wife and Rs.1000/- to the daughter Riya. The father of the Applicant - husband has a grocery shop and it is the case of the Applicant - wife that a ready-made garment shop is also started by the husband which is next to the grocery shop. The husband during the intervening period between the decree and the filing of the above FCA has married and is now having a child. The daughter from the Applicant - wife is six years old and is presently in the 1st standard.

(17)-CAM-314-16 (group matters).doc.

Having regard to the financial wherewithal of the husband and considering the cost of living in the present times, we deem it appropriate to increase the maintenance granted to the Applicant - wife from Rs.2000/- to Rs.3000/- and to the daughter from Rs.1000/- to Rs.3000/-. The case of the Applicant - husband that he is employed in his father's shop can only be stated to be rejected.

3 In so far as the Civil Application No.88 of 2015 is concerned, in the light of the order we have passed in Civil Application No.314 of 2016, the said Civil Application is rejected.

4 In so far as the Civil Application No.322 of 2014 is concerned, which as indicated above has been filed for stay of the decree of divorce. Since the Respondent husband has already married, the relief sought vide the above Civil Application has turned infructuous. The Civil Application is accordingly disposed of as having turned infructuous.

5 The maintenance as directed by the instant order is payable from 01.05.2017. It is expected of the husband that he would pay the difference for May and June 2017 within four weeks from date.

6 The Civil Applications to accordingly stand disposed of in terms of the instant order.

(17)-CAM-314-16 (group matters).doc.

7 Filing of paper-book is dispensed with. The Learned Counsel for the Appellant may prepare a private paper-book comprising of the documents which are relevant for the adjudication of the FCAs.

8 The Learned Counsel for the Appellant Shri. C. G. Jadhav waives service of the paper-book on behalf of the Respondent.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]