

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

**CIVIL APPLICATION NO.326 OF 2016
IN
FAMILY COURT APPEAL NO.76 OF 2015**

Mrs. Aarti Vaibhav Bhagwat	..Applicant
Versus	
Mr. Vaibhav Subhash Bhagwat	..Respondent

Mrs. Uma K. Wagle for the Applicant.
Mr. C. B. Shirke i/by Ms. Vaishali C. Dhotre for the Respondent.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 21st JULY, 2017**

PC.

1 The above Civil Application has been filed for a direction that the Respondent be directed to comply with the order dated 07.04.2016. A further direction is sought that the Respondent be directed to pay his share of the expenses incurred for education of the child Aditya i.e. in the sum of Rs.34,791.30 as per particulars mentioned at Exh.C to the Civil Application. The Applicant has also prayed that the Respondent since he is in arrears be directed to pay the amount with interest at 15% per annum.

2 By the said order dated 07.04.2016 the shares of the parties in respect of the payment for the educational expenses of the son Aditya were fixed. The Respondent is to pay 2/3rd of the amount whereas the

Applicant is to pay 1/3rd of the amount. The said amount of Rs.34,791.30 is the amount due on account of arrears for the preceding academic year i.e. 2016-2017 in respect of the educational expenses. The Applicant has filed an affidavit-in-rejoinder to the reply filed on behalf of the Respondent. In the said rejoinder the Applicant has annexed a statement at Exh.A which statement includes the arrears of Rs.34,791.30 and the educational expenses for the first term of the 2nd standard. The total amount inclusive of the arrears is in the sum of Rs.72,001.30 which is on the basis of the 2/3rd amount which the Respondent has to bear.

3 The Learned Counsel appearing on behalf of the Respondent Mr. C. B. Shirke on instructions states that the Respondent has no objection to the payment of the said amount but sufficient time be granted for payment of the said amount of Rs.72,001.30. In so far as the amount of Rs.34,791.30 is concerned, the said amount as indicated above are the arrears in respect of the second term of the 1st standard of the child Aditya. Hence, the said amount is for the preceding academic year 2016-2017. In so far as the balance amount is concerned, which makes the total amount of Rs.72,001.30. The said amount is for the academic year 2017-2018 which amount has already been paid by the Applicant-wife.

4 In the affidavit-in-rejoinder certain statements have been attributed to the Respondent herein. However the Learned Counsel appearing on behalf of the Applicant Mrs. Uma K. Wagle in view of the stand taken by Mr. C. B. Shirke that the amount would be paid by the Respondent states that the Applicant would not press the allegations made in the said paragraph 2. Statement accepted. In the light of the above, the following directions are issued :-

- I) The amount of Rs.34,791.30 to be paid on or before 31.08.2017.
- II) The balance amount of Rs.37,210/- would be paid by the Respondent in two installments. The first installment to be paid on or before 15.09.2017 and the second installment to be paid on or before 13.10.2017.
- III) It is made clear that if the amounts are not paid in spite of the statement made by the Learned Counsel Mr. C. B. Shirke, then this Court would be constrained to direct payment of interest on the outstanding amount.

5 With the aforesaid directions, the Civil Application is disposed of.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]