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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.198 OF 2014
WITH
CIVIL APPLICATION NO.263 OF 2015

Dr. Vijay Bhupal Patil	
Through Power of Attorney	
Mr. Bhupal Ramgonda Patil	... Appellant
Versus	
Mrs. Sandhya Nair W/o.	
Dr. Vijay Bhupal Patil	... Respondent

Mr. Vijaykumar Ganesh Peshave, for the Appellant.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 27th JANUARY, 2017

ORAL JUDGMENT (Per A.S. Oka, J.)

1 Heard the learned counsel appearing for the appellant. The appellant - husband has taken an exception to the judgment and decree dated 26th July, 2013 passed by the learned Judge of the Family Court in a Petition filed by the respondent – wife for divorce. In fact, the appellant had also filed counter claim seeking divorce. By the impugned judgment, the learned Judge of the Family Court has granted a decree of divorce. Custody of minor daughter is ordered to be retained with the wife by granting visitation rights to the appellant. The only grievance made in this Appeal is as regards clause 5 of the operative part of the

decree by which the appellant was directed to pay maintenance of Rs.15,000/- pm towards the maintenance of minor daughter. The date of birth of the daughter is 28th April, 2004. Today, her approximate age is 13 years.

2 Even the appellant who is a medical practitioner is employed in United Kingdom. The respondent is in the employment of Zensar Technologies Ltd. at Pune. The learned counsel appearing for the appellant has taken us through the findings recorded by the learned Judge of the Family Court on the issue of quantum of maintenance. The said finding is in paragraph 17 of the impugned judgment. He invited our attention to various documents forming a part of the additional compilation filed by him. He pointed out that though the daughter may be studying in a public school at Pune, in the year 2010, total fee payable to the school was only Rs.34,400/-. He also pointed out that only a sum of Rs.1,000/- pm was payable towards the school bus fees. He also pointed out from the documents forming part of the additional compilation for showing that even the respondent – wife is earning handsomely as can be seen from the documents from page 198 onwards. He pointed out that her income ranges from Rs.67,000/- to 97,000/- pm. He submitted that the amount of Rs.15,000/- pm is excessive.

3 We have considered the submissions. The pleadings and notes of evidence as well as the copies of the documents on record are part of the additional compilation filed by the appellant. We have perused the same. It is not in dispute that the appellant is a Doctor who has been employed in the United Kingdom. In the cross-examination of the appellant made on 11th March, 2013 he has come out with a case that his monthly salary was in between 2,500 to 2,800 UK Pounds. In paragraph 97 of the impugned judgment which is the only paragraph which deals with the issue of maintenance of the daughter, the learned Judge of the Family Court has taken into account the said income of the appellant which was disclosed by he himself. Based on the conversion rate on the date of the impugned decree (1 UK Pounds = Rs.80), the learned Judge directed the appellant to pay a sum of Rs.15,000/- pm (187.50 UK Pounds) which is not even 10% of the monthly salary of the appellant. There is no dispute that the minor daughter is studying in Pawar public school at Pune. Page 190 of the additional compilation is a certificate issued by the Pawar Public School stating that during the academic year 2009-2010, the total school fee was Rs.30,400/-. Perusal of the operative part of the impugned decree shows that maintenance @ of Rs.15,000/- pm is made payable from the date of the decree i.e. 26th July, 2013.

4 As stated earlier, the daughter is studying in the said public school in Pune. Fees must have substantially increased between 2009-2010 to 2013-2014. In addition to school fees, the daughter will require substantial amount for purchase of books and other equipment, tuition fees, fees payable for extra curricular activities, School Bus fees, etc. Apart from that, the members of the family of the appellant are entitled to maintain the same lifestyle which the appellant is enjoying. The respondent – wife is also employed. As seen from the documents forming part of the additional compilation, she earns salary in the range of Rs.67,000 to 97,000/- pm.

5 Considering the lifestyle of both the appellant and the respondent and the fact that the 14 years old minor daughter is taking education in a public school at Pune, the estimation of expenditure of Rs.30,000/- pm of the minor daughter cannot be said to be unreasonable at all. The appellant has been directed to contribute only 50% of his though his income is much more than the income earned by the respondent.

6 We, therefore, find no error whatsoever with the impugned decree directing the appellant to pay maintenance of Rs.15,000/- pm to the daughter. We may note here that during the pendency of the

Petition before the Family Court, there was an order directing the appellant to pay maintenance of Rs.10,000/- pm from 2nd May, 2009 onwards. We find no merit in the Appeal and the same is dismissed. Civil Application No.263 of 2015 does not survive and the same is dismissed. However, remedy of the respondent is kept open.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)