

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.94 of 2016
[Anita w/o Anand Tambe v. Anand s/o Eknath Tambe]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri S.M. Patrikar, Advocate for Petitioner.
Shri G.E. Moharir, Advocate for Respondent.

Coram : R.K. Deshpande, J.
Date : 6th October, 2017

Heard Shri Patrikar, the learned counsel for the petitioner; and Shri Moharir, the learned counsel for the respondent.

About thirty years' period has lapsed after the divorce between the petitioner-wife and the respondent-husband. Initially, the maintenance of Rs.2,000/- per month was granted to the petitioner-wife, which is subsequently enhanced to Rs.5,000/- per month, as per the impugned order.

The matter was listed yesterday and the parties were asked to settle the amount of maintenance amongst themselves. Shri Moharir, the learned counsel for the respondent-husband, submits that looking to the income tax returns and other expenses, which are required to be borne by the

respondent-husband and which are not required to be disclosed in the returns filed for claiming any exemption, it is difficult for the respondent-husband to enhance the amount of maintenance. As against this, Shri Patrikar, the learned counsel for the petitioner-wife, submits that the amount of Rs.5,000/- per month is hardly sufficient for maintenance of the petitioner-wife. Both the parties have hardly any liability to discharge, though it is claimed by the respondent-husband that his old aged mother is also required to be maintained.

After considering the rival submissions, I find that the yearly income of the respondent-husband is of Rs.2,00,000/- and, therefore, the amount of maintenance can be fixed at Rs.8,000/- per month, payable by the respondent-husband to the petitioner-wife from the date of the order passed by the Trial Court. Hence, the order accordingly. The arrears, if any, be paid within a period of two months from today, and the payment of monthly maintenance shall be regular, on or before 10th of every month.

The petition is disposed of accordingly.

Judge.