

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

**CIVIL APPLICATION NO.77 OF 2017  
IN  
FAMILY COURT APPEAL NO.42 OF 2017**

Shri Rajkumar Narsinha Katakdhond .. Applicant

V/s.

Kum.Mayuri Rajkumar Katakdhond and Ors.  
-Minor-Through Guardian (Mother)  
Sou. Vidya Rajkumar Katakdhond .. Respondents

Mr.R.D.Soni i/b Mr.VR.Kasle for the applicant

Mr.Avinash M. Reddy for the respondents

**CORAM: K.K. TATED &  
B. P. COLABAWALLA, JJ.**

**DATED : JUNE 19, 2018**

**PC. :**

- 1 Heard the learned counsel for the parties.
- 2 By this Civil Application, father is seeking stay of the maintenance charges payable to the respondents i.e. daughter and sons.
- 3 The applicant filed petition No.A-425 of 2012 before the Family

Court, Solapur under section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1956 for divorce whereas Respondents filed Petition No.C-02-12 under section 20 of the Hindu Adoption and Maintenance Act, 1956 for maintenance @ Rs.32,000/- per month to each respondents.

4 Both these Petitions were decided at the Family Court, Solapur by common judgment and decree dated 04.10.2016. The Family Court dismissed the applicant's petition No.A-425 of 2012 for divorce under section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1956 and partly allowed the respondents' petition No.C-02 of 2012 under section 20 of the Hindu Maintenance and Adoption Act, 1956 directing applicant to pay sum of Rs.8,000/- per month to each child towards maintenance from the date of judgment and decree.

5 It is the case of the applicant that Respondents' mother i.e. his wife is a practicing Advocate in Solapur District. She is earning more than Rs.30,000/- per month from her legal profession and Rs.15,000/- to Rs.20,000/- per month from Notary profession. Not only that, she is working as legal consultant of various Insurance Companies. From the said consultancy, she is getting near about Rs.60,000/- per month. Therefore, she is having sufficient income to maintain the children. However, she never spends a single paisa for the family. On the contrary, she was spending the amount for enjoyment of her own life. These facts are not considered by the family court at the time of passing the impugned judgment and decree dated 04.10.2016 directing applicant to pay sum of Rs.8,000/- per month to each respondent.

6 The learned counsel for the applicant submits that though the Respondents' mother i.e. his wife is earning sufficiently, Trial Court directed him to pay Rs.24,000/- per month to the Respondents for their maintenance. He submits that applicant had to maintain his mother who is not keeping well. He submits that applicant has to spend maximum amount of his salary on his mother's medical treatment. Apart from that, applicant has to maintain his daughter, from first wife who is taking medical education at Mumbai. He submits that applicant has to spend more than Rs.15,000/- per month on her daughter who is taking education at Mumbai. Apart from that, he has to pay loan instalment of Rs.5,677/- per month, Max New York LIC instalment of Rs.2,000/- per month and Rs.291/- LIC instalment of his daughter Reshma from first wife and Rs.214/- LIC instalment of his daughter Mayuri. He submits that applicant is getting Net salary to the extent of Rs.75,000/- to Rs.80,000/- per month only. Out of that, he has to pay Rs.24,000/- per month to the Respondents which itself is very difficult.

7 On the basis of these submissions, the learned counsel for the applicant submits that in the interest of Justice, this court be pleased to stay the operation and implementation of the judgment and decree dated 04.10.2016 in Petition No.C-02 of 2012 passed by Family Court at Solapur. He submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to them.

8 On the other hand, the learned counsel for the Respondents submits that they have also preferred Civil Application No.67 of 2017

for enhancement of maintenance charges of Rs.8,000/- per month to Rs.32,000/- per month. He submits that in that Civil Application, Respondents have also given reasons why they require enhancement. He submits that Respondent No.1 is preparing for medical education whereas Respondent No.2 is studying in 12<sup>th</sup> standard and Respondent No.3 completed 10<sup>th</sup> standard.

9 The learned counsel for the Respondents submits that applicant's gross salary is more than Rs.1,75,000/- and in hand he is getting Rs.1,25,000/-. He submits that all these documents are placed on record in Civil Application No.67 of 2017. He submits that there is no question of allowing the present Civil Application which is filed by the father against their children for not granting maintenance.

10 We have heard the learned counsel for the parties.

11 It is to be noted that Respondents children also preferred Civil Application No.67 of 2017 in connected Family Court Appeal No.146 of 2017 for enhancement in maintenance charges from Rs.8,000/- to Rs.32,000/-. That application is decided by us today and directing applicant to pay sum of Rs.15,000/- per month to each children.

12 In view of the order passed by us in Civil Application No.67 of 2017, we do not find any reason to entertain the present Civil Application at all.

13 Hence, Civil Application stands dismissed.

14 No order as to costs.

**(B. P. COLABAWALLA, J.)**

**(K.K. TATED, J.)**