

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

**CIVIL APPLICATION NO.240 OF 2018
IN
FAMILY COURT APPEAL NO.83 OF 2016**

Deepali Mahesh Chougule .. Applicant

V/s.

Mahesh Dashrath Chougule .. Respondent

WITH

**CIVIL APPLICATION NO.140 OF 2018
IN
FAMILY COURT APPEAL NO.83 OF 2016**

Mahesh Dashrath Chougule .. Applicant

V/s.

Deepali Mahesh Chougule .. Respondent

Mr.P.P.Kulkarni for the applicant in Civil Application No.240 of 2018

Ms.Preeti Walimbe i/b Mr.Bhushan Walimbe for the applicant in Civil Application No.140 of 2016

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

DATED : AUGUST 10, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 Civil Application No.240 of 2018 is preferred by wife for interim maintenance @ Rs.15,000/- per month to daughter under section 26 of the Hindu Marriage Act, 1955 whereas Civil Application No.140 of 2016 is preferred by Respondent husband to stay the operation and implementation of Clause 3 of the operative portion of the judgment and decree dated 14.03.2016 passed by Family Court in Marriage Petition No.A-28/2014 which reads thus:

“3. Petitioner shall continue to pay amount of Rs.Ten Thousand per month by way of permanent alimony to the respondent and their daughter, Sejal.”

3 The learned counsel for the husband submits that she received instruction from his client that he does not have any objection to pay maintenance @ Rs.10,000/- per month to the minor daughter Sejal under section 26 of the Hindu Marriage Act, 1955. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification.

4 On the other hand, the learned counsel for the wife makes a statement that if husband is ready and willing to pay maintenance charges @ Rs.10,000/- per month to the daughter, he received instruction not to press the Civil Application. Statement is accepted.

5 Hence, by consent, following order is passed:

- a) Applicant in Civil Application No.140 of 2016 to pay monthly maintenance charges @ Rs.10,000/- to his daughter Sejal under section 26 of the Hindu Marriage Act, 1955 till the hearing and final disposal of the present Family Court Appeal on or before 10th of each month
- b) Mahesh Dashrath Chougule, husband is directed to clear the arrears of maintenance charges within three months from today which comes to Rs.1,30,000/-.
- c) Civil Application No.240 of 2018 stands disposed of with above directions.
- d) Prayer clause (a) of Civil Application No.140 of 2016 is allowed which reads thus:

“(a) Pending the hearing and final disposal of the present Family Court Appeal, this Hon'ble Court may be pleased to stay the effect, implementation and operation of Clause 3 of the operative portion of the Judgement and Decree dated 14.3.2016 passed by the Family Court in Marriage Petition No. A-28/2014.”

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)