

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

**CIVIL APPLICATION NO.182 OF 2018
IN
FAMILY COURT APPEAL NO.135 OF 2018**

Asha Mangesh Shelke

.. Applicant

V/s.

Mangesh Ganpati Shelke

.. Respondent

Mr.Nagesh Y. Chavan for the applicant

Mr.Paras Yadav for the respondent

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : DECEMBER 20, 2018

P.C. :

1 Heard.

2 By this Civil Application, applicant is seeking stay of the operation and implementation of the impugned order dated 15.03.2018 passed by Family Court, Kolhapur in Petition No.A-87 of 2016 by which the Family Court, Kolhapur allowed the Respondent's Petition for divorce under section 13(1)(i-a) of the Hindu Marriage Act.

3 The learned counsel for the applicant further submits that Respondent may be directed to pay sum of Rs.10,000/- per month

by way of maintenance charges.

4 During the course of the argument, the learned counsel for the applicant submits that in Trial Court they preferred Application below Exhibit 17 in Petition No.A-87 of 2016 for maintenance. He submits that Trial Court by order dated 31.07.2017 directed Respondent to pay sum of Rs.2,500/- per month by way of maintenance pending the hearing and final disposal of the Marriage Petition. He submits that considering the facts and circumstances of the present case, this Hon'ble Court be pleased to continue the said order dated 31.07.2017 passed by Family Court.

5 On the other hand, the learned counsel for the Respondent vehemently opposed the present Civil Application. He submits that both the sons are staying with the Respondent. Therefore, there is no question of granting any maintenance to the applicant wife. He submits that admittedly Respondent's net income is just Rs.9,760/-. In that, he has to take care of both the minor children and parents. Therefore, it is very difficult for him to pay any maintenance charges to the applicant wife. Therefore, present Civil Application is required to be dismissed with costs.

6 Heard.

7 Considering the submissions made by the learned counsel for the applicant and the reasons disclosed by the Trial Court in order dated 31.07.2017 below Exhibit 17 in Petition No.A-87 of

2016, we are satisfied that instead of paying Rs.10,000/- per month, respondent husband to pay Rs.2,500/- per month to the applicant from the date of filing of this application. Hence, following order :

- a) Respondent husband is directed to pay Rs.2,500/- per month to the applicant wife by way of maintenance pending the hearing and final disposal of Family Court Appeal.
- b) Maintenance to be paid on or before 10th of each month from June, 2018.
- c) Arrears of maintenance be cleared within three months from today.
- d) Pending the hearing and final disposal of the Family Court Appeal, operation and implementation of the impugned judgment and decree dated 15.03.2018 passed by Family Court, Kolhapur in Petition No.A-87 of 2016 is stayed.
- e) Civil Application stands disposed of accordingly.

(N. J. JAMADAR, J)

(K.K. TATED, J.)