

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

**CIVIL APPLICATION NO.256 OF 2018
IN
FAMILY COURT APPEAL NO.82 OF 2018**

Bharati Dhanaji Jadhav .. Applicant

V/s.

Dhanaji Mahipati Jadhav .. Respondent

Mr.Ameya Deshpande for the applicant

Ms.Vaishali J. Patil for the respondent

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

DATED : DECEMBER 20, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 By this Civil Application, Applicant is seeking sum of Rs.15,000/- per month towards the maintenance charges of her son, Atharva.

3 The learned counsel for the Applicant submits that Applicant is working. Therefore, she is not asking any maintenance charges for herself. By this Civil Application, she is asking maintenance charges only for her son. In support of this,

advocate for the Applicant relies on estimated expenses as stated in Exhibit-A on page 18 of her additional affidavit dated 24.10.2018.

4 The learned counsel for the Applicant submits that Respondent is father of the son and therefore, he should also bear some expenses. Therefore, this Hon'ble Court be pleased to direct the Respondent to pay sum of Rs.15,000/- per month by way of maintenance charges.

5 The learned counsel for the Respondent husband vehemently opposed the present Civil Application. She submits that Respondent does not have any source of income. At present, he is not working anywhere. He is doing some agricultural activity along with other family members. She submits that Respondent's monthly income is not more than Rs.4,000/- to Rs.5,000/- per month. Therefore, it is not possible for Respondent husband to pay sum of Rs.15,000/- per month to the Applicant for Atharva's day to day expenses. She further submits that Applicant is working as Police Sub Inspector. She is getting more than Rs.40,000/- per month. Therefore, there is no question of directing Respondent husband to pay any maintenance charges for Atharva. Hence, there is no substance in the present Civil Application. Same be dismissed.

6 Heard both the sides at length.

7 It is to be noted that it is the duty of the father also, to maintain his son. In the present proceeding, Applicant

specifically stated that in the present Civil Application she is not asking any maintenance charges for herself as she is working. Advocate for the Applicant has placed on record estimated expenses of the child that comes to Rs.16,615/- per month.

8 Considering the submissions made by the learned counsel for the Applicant, estimated expenses given in Exhibit-A to the additional affidavit dated 24.10.2018 and as Respondent at present, is not working anywhere and he is doing agricultural activities only, we are of the opinion that Respondent should pay at least sum of Rs.5,000/- per month to the Applicant towards the maintenance charges of his son, Atharva. Maintenance charges be paid from the date of Application i.e. July, 2018. Hence, following order is passed:

- a) Respondent is directed to pay sum of Rs.5,000/- per month to the Applicant towards the maintenance charges of his son, Atharva.
- b) Maintenance charges be paid on or before 10th of each month.
- c) Respondent to clear arrears on or before 28.02.2019 for the months; July, 2018 to December, 2018.
- d) Respondent is permitted to deposit the monthly maintenance charges in Applicant's bank account.
- e) Applicant to provide her bank account to the Respondent

immediately.

f) Civil application stands disposed off accordingly.

g) No order as to costs.

(N. J. JAMADAR, J)

(K.K. TATED, J.)