

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13464 OF 2016

Rajendra Bhau Thakur

...Petitioner

vs.

Ketaki @ Sangita Rajendra Thakur

...Respondent

Mr. Abhijit Kandarkar, for the Petitioner

Mr. Shreyas Adyanthaya, for Respondent.

CORAM : M. S. SONAK, J.

DATE : NOVEMBER 19, 2018

P.C.:

. After the Petition was argued for some time, with consent of the learned counsel for the parties, this Petition is disposed of with the following agreed order:-

- (i) The impugned order awarding maintenance of Rs. 15,000/- p.m. to Devika is not disturbed but only modified in the terms which follow;
- (ii) The Petitioner shall pay interim maintenance of Rs. 10,000/- p.m. to Devika as and by way of interim maintenance, instead of Rs. 15,000/- p.m. as directed in the impugned order;
- (iii) In respect of the balance amount of Rs. 5,000/- p.m., the Petitioner shall open a Recurring Deposit Account in the

name of Devika (daughter), Ketaki (mother) and the Petitioner himself. In this account, the Petitioner shall regularly deposit the amount of Rs. 5,000/- p.m. This investment shall ennure for the exclusive benefit of Devika, once she attains the age of majority or until further orders which may be passed by the Family Court in this regard.

(iv) The Petitioner shall clear the arrears of maintenance within two weeks from today. In so far as the arrears are concerned, the same shall be computed on the basis of Rs. 15,000/- p.m.

(v) It is made clear that the aforesaid arrangements are without prejudice to the rights and contentions of both the parties.

(vi) The statement made by the learned counsel for the Petitioner on the basis of instruction from the Petitioner who is present in the Court that the Petitioner will continue to pay 50 % of the educational expenses is accepted. In fact, in this Petition there was no challenge to this part of the impugned order.

(vii) The trial Court to decide the issue of final maintenance on its own merits without being influenced by any *prima facie* observation made in the impugned order dated 31st August, 2016 or for that matter, the direction in the present order.

- (viii) All contentions of all parties are expressly left open.
- 2. The Petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)