

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

**CIVIL APPLICATION NO.66 OF 2019
IN
CIVIL APPLICATION NO.64 OF 2014
IN
FAMILY COURT APPEAL NO.23 OF 2012**

Mahesh Wamanrao Jadhav Applicant

versus

Ujwala Mahesh Jadhav ... Respondent

.....

- Ms.Seema Sarnaik, Advocate for Applicant.

**CORAM : AKIL KURESHI &
SARANG V. KOTWAL, JJ.
DATE : 11th APRIL, 2019.**

P.C. :

1. This Civil Application is filed by the husband seeking deletion/modification of clause (viii) of paragraph No.22 of order dated 13/08/2015 passed in Civil Application No.64/14. The Court made certain provisions in favour of the wife towards rent. Relevant portion of this order reads as under;

“(vii) For a period of one year from the date on which

the wife vacates the service quarters, the husband will be liable to pay Rs.10,000/- per month to the wife towards rent/license fees. This will be inclusive of the amount specified in clause (vi) above. The said amount of Rs.10,000/- per month shall be deposited directly in the bank account of the wife on or before 10th day of every calendar month. In the event of any technical difficulty which prevents the husband from depositing the amount directly in the account of the wife, the said amount shall be deposited in this court;

(viii) After expiry of first period of one year, the amount of Rs.10,000/- shall be increased every year by 20% of sum of Rs.10,000/- (Rs.2,000/- per year) till the disposal of the appeals.”

2. Counsel for the Applicant submitted that this prescription of revising the rent of 20% every year after the end of first year as provided in sub-paragraph (viii) of the said order, is required to be deleted. She submitted that the Applicant is employed in the Indian Railways. His salary is not increased by

10% annually and therefore he would not be able to pay higher rent to the wife as directed by the Court. She further submitted that there is no evidence of the rent paid by the wife for her accommodation. In absence of any such account, the periodic revision in the rent would not be justified.

3. Firstly, the arguments tendered by the learned Counsel for the Applicant, would be in the nature of challenging condition which was imposed by the Court after by-parte hearing. Neither the Applicant nor we can go behind the order and examine the correctness thereof. This order has become final and unless any change in circumstances are pointed out, we would not disturb it, neither can we disturb it.

4. Coming to the question of Appellant's revision in salary, two things can be stated at the outset. Firstly, we can take judicial notice of the fact that the salary of a permanent government servant is subject to periodic revision in the form of annual increments and revised Dearness Allowance. The

component of Rs.2,000/- per month in any case, cannot be stated to be so large for the Applicant to weigh, looking to his permanent employment in the Central Government organization. Under such circumstances, the request is refused.

5. Civil Application is dismissed.

(SARANG V. KOTWAL, J.)

(AKIL KURESHI, J.)