

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14355 OF 2018

Hemal Kishor Uchat ... Petitioner
Vs.
Rupali Hemal Uchat ... Respondent

WITH
WRIT PETITION NO.12853 OF 2018

Rupali Hemal Uchat ... Petitioner
Vs.
Hemal Kishor Uchat ... Respondent

Ms T. F. Irani for the Petitioner in W.P.No.14355 of 2018 and for the Respondent in W.P.No.12853 of 2018.
Ms Mukta R. Singh-Gobse for the Respondent in W.P.No.14355 of 2018 and for the Petitioner in W.P.No.12853 of 2018.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 18, 2019

P.C. :

Heard Ms Irani, learned Counsel for the petitioner in W.P. No.14355 of 2018 and for the respondent in W.P.No.12853 of 2018 and Ms Gobse, learned Counsel for the respondent in W.P.No.14355 of 2018 and for the petitioner in W.P.No.12853 of 2018 at length.

2. These cross Petitions take exception to the order dated 27.06.2018 passed by the learned Judge, Family Court No.4 at Bandra, Mumbai below exhibit-8 in Petition No.E-394 of 2014. By that order, the learned trial Judge partly allowed the application made by the wife - Rupali and directed husband - Hemal to pay interim maintenance at the rate of Rs.75,000/- per month for Hemal and Rs.25,000/- per month to daughter - Disha from the date of the order i.e. 27.06.2018 till decision in the Petition. Rule in both the Petitions. Learned Counsel for the respective respondent waive service. In view of the narrow controversy

raised between the parties and at the request and by consent of the parties, Rule is made returnable forthwith and the Petitions are taken up for final hearing.

3. Ms Irani states that husband - Hemal Kishor Uchat is present in the Court. Upon taking instructions from him, she states that without prejudice to the rights and contentions of Hemal in the pending proceedings as also in the interest of minor daughter Disha, he will go on paying interim maintenance @ Rs.75,000/- per month to Rupali and @ Rs.25,000/- to Disha.

4. Ms Gobse, on the other hand, submits that the impugned order may be modified by directing Hemal to pay the maintenance from the date of the application i.e. from 20.01.2015 instead of from the date of the order i.e. 27.06.2018. Ms Irani has no objection for that. She, however states that following amounts may be adjusted from the arrears payable to Rupali:

Date / Period	Particulars	Total
August 2015 to June 2018	Amounts paid as per order dated 29.07.2015 of Hon'ble Family Court at Bandra of Justice Hitesh Ganayta @ Rs.10,000/- for 35 months.	2,10,000/- (as against this, Ms Irani contends that petitioner had paid Rs.3,50,000/-)
11.12.2017	Deposited at the Family Court at Bandra (DD# 044941 of Rs.18,00,000/-)	18,00,000/-
20.10.2018	Deposited at the Family Court at Bandra (DD# 048038 of Rs.50,000/- and #048950 of Rs.75,000/-)	75,000/- (as against this, Ms Irani contends that petitioner had paid Rs.1,25,000/-)
15.01.2019	Deposited at the Family Court at Bandra (DD# 049779)	85,000/-

5. There is dispute as regards deposits made in the P.P.F. Account of Rupali and Disha. On one hand, Hemal contends that he has made the deposits and on the other, Rupali contends that the said deposits have

been made by her. This issue cannot be gone into in these proceedings.

6. Ms Gobse, on instructions of the respondent who is present in the Court, states that Rupali will not withdraw the amount deposited in her P.P.F. A/c. and the P.P.F. A/c. of daughter Disha without seeking permission from the Family Court. Statement made by Ms Gobse, on instructions, is recorded.

7. In view thereof, by consent of the parties, Petitions are disposed of in the following terms:

- a. Rule is discharged in Writ Petition No.14355 of 2018;
- b. Rule is partly made absolute in Writ Petition No.12853 of 2018;
- c. The impugned order is modified and Hemal will pay the interim maintenance @ Rs.75,000/- to Rupali and @ Rs.25,000/- to daughter Disha from the date of the application i.e. 20.01.2015;
- d. The following amounts shall be given credit while paying the arrears of maintenance;

Date / Period	Particulars	Total
August 2015 to June 2018	Amounts paid as per order dated 29.07.2015 of Hon'ble Family Court at Bandra of Justice Hitesh Ganayta @ Rs.10,000/- for 35 months.	2,10,000/-
11.12.2017	Deposited at the Family Court at Bandra (DD# 044941 of Rs.18,00,000/-)	18,00,000/-
20.10.2018	Deposited at the Family Court at Bandra (DD# 048038 of Rs.50,000/- and #048950 of Rs.75,000/-)	75,000/-
15.01.2019	Deposited at the Family Court at Bandra (DD# 049779)	85,000/-
	Grand Total	21,70,000/-

- e. In addition to this, Hemal will go on paying-
 - i. school fees of daughter Disha, society maintenance charges (Shiv Shakti Heights), MTNL charges, Mahanagar gas and

Reliance electricity bills;

- f. Rupali will not withdraw the amount deposited in her P.P.F.A/c. and in the account of her daughter Disha without permission from the Family Court;
- g. The parties are at liberty to apply for expeditious disposal of the proceedings in a time bound manner. If such application is made, the learned trial Judge will pass appropriate order keeping in mind that proceedings are pending since 2014. All contentions of the parties on merits are expressly kept open;
- h. The arrears of maintenance shall be paid on or before 18.04.2019 by paying Rs.9,00,000/- within one month from today, further amount of Rs.9,00,000/- within two months from today and the remaining amount of Rs.8,30,000/- within 3 months from today in addition to payment of interim maintenance from January 2019 onwards @ Rs.1,00,000/- per month during the pendency of the proceedings before the Family Court, on or before 10th day of succeeding month/s;
- i. Liberty to the parties in case there is dispute as regards the amount of deductions;
- j. Order accordingly.

(R. G. KETKAR, J.)