

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 12371 OF 2018
WITH
CIVIL WRIT PETITION NO. 12603 OF 2018

Mrs. Sushma Sachin Mane ... Petitioner

V/s.

Sachin Tulshiram Mani ... Respondent

Mr. Jagdish Singh for the Petitioner in WP/12371/2018 and Respondent in WP/12603/2018

Mr. -Pravin Desai for the Respondent in WP/12371/2018 and Petitioner in WP/12603/2018.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 27th SEPTEMBER 2019.

P.C. :

1. Rule. Rule made returnable forthwith and with the consent of the learned counsel for the parties, heard finally.
2. The Petitioner is challenging the order dated 29th June 2018 passed by 10th Joint Civil Judge, Senior Division, Thane by which the order dated 19th July 2017 was modified. By an order dated 19th July 2017 the petitioner was granted interim maintenance to the tune of Rs. 15,000/- per month. In the petition, it was submitted that the respondent has lost his job in Africa and he has come back to India and he has no job in India. On the contrary, the respondent is expertise in YOGA and beautician and she has obtained the certificate from Indian High Commission, Tanzania.

3. It was also considered that the respondent had tendered resignation letter dated 15th March 2016 which was produced at Exhibit-35 on 12/06/2018. The learned Family Court while considering the modification application has observed as follows:-

“ To prove the contentions of the change in circumstances, petitioner has produced resignation letter dated 15/03/2016 and copy of order passed in Writ Petition No.11888/17 alongwith list Exh.36. The Petitioner had taken the same contentions while deciding the interim application at Exh.9. Upon perusing the order passed below Exh.9, it reveals that petitioner has not produced the resignation letter dated 15/03/2016 which he has produced at Exh.35 on 12/06/2018. Admittedly petitioner has joined the classes for further studies. In such circumstances, it means he has sufficient income for his own studies”.

4. In fact, if the considerations were same there is no reason for modification of the order and reducing the maintenance to the tune of Rs.5,000/-. The order dated 29th June 2018 does not appear to be reasonable and hence is quashed and set aside and the order dated 19th July 2017 is restored.

5. Writ Petition No. 12603 of 2018 is also filed challenging the order dated 29th June 2018 to challenge the maintenance granted to the children. The petitions being sans merits stand rejected.

(SMT. SADHANA S. JADHAV, J)