

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.653/2019

Nitin S/o Satish Agrawal

..Vs..

Sau. Neetu W/o Nitin Agrawal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Agrawal, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATE : 11.2.2019.

Heard.

By the impugned order, the Family Court has directed the petitioner to pay Rs.1,80,000/- in three instalments, each of Rs.60,000/- to meet the education expenses of the son of petitioner. It is not in dispute that Rachit (son of petitioner) has passed his S.S.C. (10th standard) examination with 92% marks and is a student of 11th standard in Bhartiya Vidya Bhavan's, School, Ashti, Nagpur which is a reputed school of the region.

The submission on behalf of the petitioner is that the respondent (mother of Rachit) is also earning and the liability of education expenses of Rachit cannot be fastened only on the petitioner. To support this submission reliance is placed on the following judgments:

(i) *Judgment given in the case of Padmja Sharma V/s. Ratan Lal Sharma reported in 2000 AIR SCW 1147 and*

(ii) *Judgment given in the case of*

*Kandula Subramaniam V/s. Krishnakoli
Datta reported in 2016(7) AD (Delhi)
237.*

The proposition laid down in the above referred judgments is well settled and if the wife is also earning, she should share the responsibility of maintenance of child / children. In the facts of the present case, it is found that the respondent is maintaining two sons and the petitioner is paying maintenance of Rs.3,000/- per month to the respondent. Considering the facts of the case, in my view, the order passed by the Family Court cannot be said to be unjustified or improper. The learned trial Judge has considered all the relevant aspects and has also granted appropriate instalments to the petitioner to deposit the amount towards the education expenses. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE