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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4361 OF 2019

Mrs. Manjusha Nitin Kalshetti & Ors. Petitioners.

V/s

Mr. Nitin Revansidha Kalshetti & Anr. Respondents.

Mr. Nitin Vhatkar i/b G.S. Hiranandani for the Petitioner.

Mr. Sagar S. Tambe for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 12, 2020

P.C.:-

1] Heard.

2] Vide impugned order, Family Court has refused to award maintenance in favour of Respondent-wife, whereas in favour of two children i.e. daughter and son, maintenance of Rs 5000/- each has been awarded.

3] Learned Counsel for the Petitioner submits that considering lifestyle which is lived by the Petitioner while staying with

Respondent-husband, the Petitioner and children are entitled to live same lifestyle. So as to substantiate source and quantum of income of Respondent-husband, my attention is invited to the fact that Respondent-husband is a successful lawyer practicing at New Delhi, Aurangabad Bench of the Bombay High Court and having offices at Pune, Solapur, New Delhi and Karnataka. Vehicle ownership documents of Respondent-husband have been placed on record.

4] Though the husband has questioned the order of award of maintenance in favour of children, he has intentionally not placed on record the returns filed by him. However, this Court cannot be oblivious to the fact that Respondent-husband is a lawyer and in profession for last about 20 years.

5] As such, in my opinion, average monthly income of Respondent-husband can be worked out to be Rs 50,000/- per month. Petition therefore deserves to be partly allowed with following order.

6] Maintenance payable to both the children is enhanced from Rs 5000/- each to Rs 10000/- each and enhanced amount of

maintenance should be cleared within a period of six weeks from today to be paid from the date of the order of the Court below.

7] With the above observations, Petition stands partly allowed.

(NITIN W. SAMBRE, J.)