

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

Family Court Appeal No.13 of 2018

Rajesh s/o Laxman Kamble

vs.

Sau. Ashlesha w/o Rajesh Kamble & another

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri A.R. Wagh, Advocate for the Applicant/Appellant.
Shri I.M. Ghongade, Advocate for the Respondents.*

CORAM : Z.A. HAQ & S.M. MODAK, JJ.
DATE : 7th JANUARY, 2020.

Heard.

02] The order passed by the Family Court on the application filed by the respondents under Section 125 of the Code of Criminal Procedure directing the appellant to pay an amount of ₹10,000/- per month to respondent No.2 towards maintenance, is challenged in this appeal.

03] It is not in dispute that respondent No.2 is son of the appellant. In paragraph 14 of the impugned order, the learned trial Judge has recorded the finding on the point of income of the appellant and also the liabilities of the appellant. The appellant has not disputed that he was getting Rs.31,258/- as gross salary at the time of recording of the evidence. A reference of salary slip of October, 2012 showing the gross salary of the appellant as Rs.25,362/- is also found in paragraph 14 of the impugned order. The learned trial Judge has recorded that the appellant is not having any other liability except to maintain

himself. Presently, respondent No.2 is about 11 years and, according to the learned Advocate for the respondents, his school fees itself is about ₹50,000/- per annum.

04] The contention of the appellant is that respondent No.1 (mother of respondent No.2) is a qualified Doctor having qualifications of B.A.M.S. and it is her responsibility also to maintain respondent No.2.

05] The submission made on behalf of the appellant that respondent No.1 is also having the responsibility to take care and maintain respondent No.2, cannot be disputed. However, we find that the amount of maintenance determined by the trial Court, payable to respondent No.2 is based on proper appreciation of documents and evidence on record. Hence, we see no reason to interfere with the impugned order.

06] Hence, the appeal is dismissed. In the circumstances, parties to bear their own costs.

JUDGE

JUDGE

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