

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 FAMILY COURT APPEAL NO.49 OF 2019
WITH CA/7893/2019 IN FCA/49/2019

BALASAHEB SAKHARAM HARISHCHANDRA
VERSUS
PRAMILABAI BALASAHEB HARISCHANDRA

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Advocate for Appellants : Mr. Patil Prakashsingh B.

Advocate for Respondent : Mr. Kulkarni Mukul S.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 21.08.2021

PER COURT :-

1. The petitioner-husband is aggrieved by the order dated 10.04.2019 delivered by the learned Family Court in Petition C No.8 of 2018, vide which, he is directed to pay enhanced maintenance allowance at the rate of Rs.10,000/- per month with effect from 13.01.2016. He was a Police Constable in the State Police Constabulary and he was drawing salary, till December 2015, as per the 6th Pay Commission Recommendations and from January 2016 as per the 7th Pay Commission Recommendations. Recently he has retired on attaining the age of superannuation in May 2021.

2. The learned advocate for the respondent submits that the fact that the petitioner has recently retired would also establish that his wife is also growing old. Any amount less than Rs.10,000/- would not be able to sustain her. She has no other source of income. As the appellant has deserted her and he has residing separately, he is retaining the entire pension amount.

3. The impugned judgment indicates that the respondent-wife has a son and a married daughter, from her marriage with the appellant. Salary certificates of the appellant were produced on record. The Registration Certificates of vehicles, in the names of family members of the appellant after his second marriage, were also produced on record at Exh.62, 63 and 63-A. It was brought on record that the appellant has performed an illegal second marriage. Mr. Kulkarni, therefore, justifies the enhancement of monthly maintenance from Rs.1,500/- that was granted ten (10) years ago, to Rs.10,000/- per month with effect from the filing of the proceedings by which time the 7th Pay Commission Recommendations had been implemented. It was also brought on record that the

children from the illegal second marriage were leading a luxurious life having 2 - two wheelers and 1 - four wheeler in their name. The son of the respondent-wife is residing with her.

4. Considering the above, we do not find any merit in this appeal and the same is, therefore, dismissed.

5. Pending Civil Application, in the above circumstances, does not survive and stands disposed off.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-