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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1407 OF 2019

Mrs.Poonam Tushar Vilankar Petitioner
Vs.
Mr.Tushar Kamlakar Vilankar Respondent

Mr.Sanjay Gawde i/b Shree & Co., for the Petitioner.

CORAM : M. S. KARNIK, J.

DATE : 17th FEBRUARY, 2021

P.C. :

. Heard learned Counsel for the Petitioner – wife. By an order dated 10/12/2019, this Court had issued notice to Respondent – husband. The office note indicated that the fresh notice issued to the sole Respondent is yet to be returned. On 27/01/2021, this Court again issued a fresh notice to the Respondent returnable on 17/02/2021. The Petitioner had then pointed out that the Respondent husband is in arrears of maintenance to the tune of Rs.2,34,000/-.

2. The trial Court has granted maintenance of Rs.3,000/- per month which according to the learned Counsel for the Petitioner is grossly inadequate. He submitted that even the amount of Rs.7500/- per month which the husband had agreed to pay to the daughter has not been paid and the arrears are mounting. According to him, it has become really difficult for the Petitioner to make both ends meet. Affidavit in service has been filed by the Petitioner stating that the notice has been served by RPAD on Advocate appearing on behalf of the Respondent. Affidavit also states that the notice has been served through mail on the Respondent on 04/02/2021. Thus, the Respondent has been served through mail and even Advocate appearing on behalf of the Respondent in the family Court has been duly served. Affidavit of service is taken on record.

3. Considering that there is no appearance on behalf of the Respondent - husband , I have no option but to accept the averments made in the Petition as uncontroverted. From the impugned order passed by the Family Court, it is seen that though the Respondent has stated that he is unemployed but admittedly earlier he was working for a company known as 'Nielsen' where he was drawing salary of Rs.1,18,783/- per month. The Respondent is a qualified person. Before the Family

Court the Petitioner had submitted that she is claiming Rs.7,500/- for herself, which I find to be very reasonable.

4. It is further admitted by husband that he is getting rent of Rs.21,000/- from a flat jointly owned by the Petitioner husband. No doubt, he has stated that he repaid Rs.25 lakhs of the loan amount and balance of Rs.14 lakhs has to be repaid. However, considering the materials on record, in my opinion, the claim of the Petitioner wife for maintenance of Rs.7,500/- is just proper and reasonable. This amount of Rs.7,500/- per month payable to the Petitioner is over and above the amount of Rs.7,500/- which the Respondent had agreed to pay towards interim maintenance of the daughter. The Petition is partly allowed. The maintenance amount granted by the Family Court is enhanced to Rs.7,500/- per month and the Respondent husband is directed to pay Rs.7500/- per month to the Petitioner towards interim maintenance from the date of the order of the Family Court i.e., 12/09/2018. It is expected that the Respondent husband pays arrears at the earliest. Petition is accordingly allowed & disposed of.

(M.S.KARNIK, J.)