

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

FAMILY COURT APPEAL NO.261 OF 2014

Sucheta w/o Sachin Iyer,
Raj Nagar, Katol Road, Nagpur
and ors.

... Appellants

-vs-

Sachin s/o Krishnamurthy Iyer,
Maharajbagh Road Ramdaspath,
Nagpur.

... Respondent

Shri S. V.Purohit, Advocate with Ms M. A. Sharma, Advocate for appellants.
Shri A. M. Sudame, Advocate for respondent.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.
DATE : December 09, 2021

P.C.

The judgment of the Family Court dated 19/07/2012 in Petition No.C-68/2007 by which the Family Court awarded maintenance of an amount of Rs.5000/- each to the appellant Nos.2 and 3 is the subject matter of challenge in this appeal under Section 19 of the Family Courts Act, 1984.

2. At the outset Shri A. M. Sudame, learned counsel for the respondent submits that since about last five years there are no instructions from the respondent and hence he is not in a position to assist the Court in the present appeal.

Shri S. V. Purohit, learned counsel for the appellants submits that despite maintenance being granted to the appellant Nos.2 and 3 by the impugned judgment, the respondent has not paid the amount of maintenance to the appellant Nos.2 and 3 till date.

3. On hearing the learned counsel and after perusal of the record, it is seen that the proceedings for grant of maintenance were initiated on 03/08/2007. The Family Court decided the proceedings on 19/07/2012 by directing payment of maintenance of Rs.5000/- each to the minor daughters appellant Nos.2 and 3. We find that a period of more than nine years has elapsed since passing of this order by the Family Court. Both the learned counsel submit that they do not have appropriate instructions to enable the Court to determine the fair quantum of maintenance. We find that appellant-Nos.2 and 3 have now attained majority. The interests of justice would be served by permitting the appellants to approach the Family Court for enhancement in the amount of maintenance from what has been granted by the Family Court. If the appellants seek enhancement of the amount of maintenance, the Family Court would be free to consider that request on its own merits and in accordance with law. Needless to state that the judgment in Petition No.C-68/2007 shall continue to operate until it is suitably modified if the appellants are successful in their prayer for enhancement in the amount of maintenance.

The Family Court Appeal is accordingly disposed of in aforesaid terms. No order as to costs.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)

Asmita