

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1396 OF 2022
IN
WRIT PETITION NO. 7734 OF 2021
WITH
INTERIM APPLICATION NO. 1395 OF 2022

Hetal Manish Bhawani .. Applicant

Versus

Manish Narshi Bhawani .. Respondent/
Petitioner

...

Mr. Nitin Gangal a/w. Ms. Prerna Shukla for the Applicant.
Ms. Yogita Deshmukh Chitnis for the Respondent/Petitioner.

...

CORAM: BHARATI DANGRE, J.
DATED : 31st MARCH, 2022

P.C:-

1. By the present application certain modifications are sought in the order dated 6th December, 2021.

Heard learned counsel Mr. Gangal for the Petitioner and Ms. Deshmukh for the respondent in this application.

2. While deliberating on the contents of the impugned order, which had granted compensation of Rs.50,000/-, which was subsequently enhanced to Rs.65,000/- for the wife and the daughter, it is specifically recorded by me in

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the previous order, that there is no basis for the learned judge to arrive at the said figure and therefore it was deemed expedient to remit the matter to the learned judge for deciding the quantum of the maintenance afresh by taking into consideration the earning of the wife as well as the income of the husband.

3. In the light of the aforesaid spirit of the order in paragraph 9, direction was issued, that till proceedings are decided on remand by the learned Judge, the maintenance shall be slashed by half of the amount, directed to be paid under the impugned order. If this statement has to be given meaning in paragraph 9 the amount that was directed to be paid from March 2021 till decision of the application i.e. 31st March, 2022 was specified at Rs.65,000/- per month.

4. An Application for speaking to the minutes came to be moved and the figure of Rs.65,000/- per month came to be corrected as Rs.60,000/-, considering it to be a typographical mistake. However, the calculation given in paragraph 10 which are based on rough calculation sheet which was tendered to me during the course of hearing and specifically dated 6th December, 2021 which is present on the Court record, computed the figure to be Rs.17,20,000/- by taking a figure of Rs.60,000/- payable from March, 2021 to March, 2022 and that is how paragraph 10 directs the amount due to be paid in three installments to be cleared on or before 15th March, 2022.

5. By the present application the figure of maintenance set out in paragraph 9 is stated to be Rs.65,000/- but the submission of Mr. Gangal is inadvertently it was corrected to be Rs.60,000/-

In the wake of the subsequent sentence in paragraph 9, I am of the considered opinion that the figure has to be Rs.65,000/-.

6. As far as a difference in payment of maintenance considering the said figure to be Rs.65,000/-, the counsel for the petitioner makes a statement on instructions from the petitioner, who is present in the Court, that an additional sum of Rs.5000/- per month shall be paid by him from March, 2021 to March, 2022 under the orders of the Court.

7. In the wake of the aforesaid statement, from the respondent husband, the Interim Application stands disposed.

(SMT. BHARATI DANGRE, J.)