

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14290 OF 2023

Manisha Santosh Nisalkar

Alias Manisha Babasaheb Shinde

...Petitioner

Versus

Santosh Shankarrao Nisalkar

...Respondent

Adv. Prabhanjan B. Gujar for the Petitioner.

Adv. Ganesh T. Jadhav for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : DECEMBER 1, 2023

P. C. :

1. The Petition challenges the order of the attachment passed by the Family Court attaching the salary of the Petitioner to the extent of Rs. 30,000/-.

2. Learned counsel for the Petitioner submits that there is no objection to the attachment however, only the quantum may be reduced.

3. By order dated 23rd February, 2021 the Petitioner who is a working mother and earning a salary of about Rs. 85,000/- was directed to pay interim maintenance of Rs. 8,000/- per month to her daughter from the

date of filing of the Application. Despite being aware that the order has been passed in the year 2021, the Petitioner has let the matter reach at a stage where for the purpose of execution of the order, warrant of attachment of her salary has been issued. The admitted position is that, despite the order directing a payment of monthly compensation of Rs. 8,000/- per month, only a sum of Rs. 40,000/- has been paid to the child. The Family Court after taking into consideration the comparative incomes of the parents has directed the petitioner interim maintenance to be paid to the child. The reason advanced for non payment is that there are certain EMI which is required to be paid in respect of asset acquired by the Petitioner and that further she has to make monthly payment to her parents and as such, the income is insufficient.

4. It needs to be noted that the primary responsibility of the parents is towards the child to ensure that the educational as well social needs of the child are met. The Petitioner despite being aware in the year 2021, itself, that a sum of Rs. 8,000/- per month maintenance has been granted for the welfare and wellbeing of her child, has failed to comply with the order. I am not inclined to show any indulgence in the facts of this case. Surprisingly, despite this Court calling upon the Petition to voluntarily deposit certain amount in this Court, the Petitioner wishes to get her salary attached rather than depositing any amount in this Court. This

conducts speaks volumes.

5. The Petition being devoid of merits stands dismissed.

(SHARMILA U. DESHMUKH, J.)