

VRJ

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

WRIT PETITION NO.10399 OF 2023

Jaydeep Jitendra Nagrecha

... Petitioner

V/s.

Dipti Jaydeep Nagrecha

... Respondent

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WITH

WRIT PETITION NO.10528 OF 2023

Jaydeep Jitendra Nagrecha

... Petitioner

V/s.

Dipti Jaydeep Nagrecha

... Respondent

Ms. Manisha Jagtap i/by J. Shekhar and Co. for the
petitioner.

Mr. Gaurav Parkar for the respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 29, 2023

P.C.:

1. Challenge in Writ Petition No.10399 of 2023 is to the order dated 27th March 2023 passed by 5th Family Court, Judge, Mumbai directing the petitioner to pay outstanding dues of interim maintenance of Rs.6,11,456/-

2. The petitioner has challenged the order mainly on the ground that he has paid amount of Rs.8,95,037/- towards maintenance of daughter for education. According to the petitioner, therefore, the amount paid towards daughter needs to

be deducted from the amount of maintenance.

3. On perusal of paragraph No.24 of judgment dated 31st January 2019 in Appeal No.655 of 2018, the Appellate Court considered the grievance of the petitioner about educational expenses as under:

“24.Therefore, Ld. Counsel for the respondent no.1 had suggested and shown willingness to bear the school expenses of his daughter and conveyance charges and in view thereof, the amount of maintenance of Rs.10,000/- pm granted by trial Court may be reduced by Rs.3000/-pm.”

4. Considering aforesaid marked portion, in my opinion, the Appellate Court while modifying order of maintenance granted by the Trial Court considered the grievance of the petitioner that he is required to pay school expenses of his daughter and prayed for reduction of amount of maintenance. Still the Appellate Court directed the petitioner to pay Rs.10,000/- to the daughter. Therefore, in my opinion, the claim made by the petitioner that amount of Rs.8,95,037/- paid towards educational expenses needs to be counted towards interim maintenance is not acceptable. Therefore, there is no merit in the writ petition.

5. Learned advocate for the petitioner, on instructions, states that balance amount of arrears deducting Rs.2,25,000/- shall be paid within three weeks from today.

6. The petitioner is permitted to deposit balance amount of arrears in the account of the wife within three weeks from today.

7. If the amount is deposited within three weeks from today, the order of striking of evidence impugned in Writ Petition

No.10528 of 2023 shall not be given effect.

8. The writ petitions are dismissed. No costs.

(AMIT BORKAR, J.)