



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.2233 of 2022

Nivedita W/O Sureshchandra Bankhede

Vs

Sureshchandra S/O Sumran Bankhede

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.M. Sinha, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATED : 05.10.2023

1. Heard learned counsel for the petitioner. None for the respondent-sole, though served.
2. In the present writ petition, a challenge is raised to the order below Exh.11, dated 29.01.2022 passed by the Family Court-2, Nagpur, granting maintenance of Rs.11,000/- per month i.e. Rs.5,000/- to the petitioner-wife, whereas Rs.3,000/- each to their two children, who are presently residing with the petitioner. The challenge is raised on the ground that the prayer for grant of maintenance of Rs.25,000/- per month along with Education Expenses has not been considered positively and without recording any reason, only Rs.11,000/- has been granted.
3. I have perused the record and the impugned order.
4. From the record, it is evident that the respondent-husband is working in the Indian Railway and he failed to file his affidavit of Assets and Liabilities.

5. The petitioner started residing separately from the respondent with her two children since the year 2018.

6. It is submitted that the petitioner has filed an application under Section 125 of the Cr.P.C. for maintenance, which is still pending. In the meantime, she moved an application under Section 24 of the Hindu Marriage Act, 1955 for grant of *maintenance pendente lite* in Petition No.A-641 of 2020 filed by the respondent for restitution of conjugal rights.

7. It is the specific case of the petitioner that she has to maintain herself as well as her two minor children and also bear the expenses of their education.

8. It is submitted that the parents of the petitioners are paying certain amount to the petitioner for education purposes of her children. The documents filed on record, in relation to the education expenses, show that even the maintenance amount granted by the Family Court is not sufficient to meet such expenses.

9. Thus, considering the fact that the amount granted by the Family Court to the petitioner and for her two children is not sufficient to live a dignified life and also to meet expenses of education of the children, I am of the opinion that the impugned order needs to be modified.

10. It is informed that the petitioner is present in the Court and she is identified by her learned counsel. On enquiry, it is informed that she is having education qualification 12th standard.

11. Thus, considering the fact that the respondent is serving in the Indian Railway and he has not filed affidavit of assets and liabilities and even failed to appear in this petition, despite notice is served upon him, I am of the opinion that the petitioner is entitled for maintenance of Rs.25,000/- per month along with the education charges, which has to be deposited directly with the schools till the decision in the application for maintenance under Section 125 of the Cr.P.C.

Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

[ANIL S. KILOR, J.]