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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.11716 OF 2022

Lalita C. Savade

...Petitioner

V/s.

Chetan D. Savade

...Respondent

Ms.Kalyani Kulkarni i/b Prasad Kulkarni & Associates Attorneys
At Law for the Petitioner.

Mr.Hrishikesh P. Giri (through Video Conferencing) with
Mr.Swapnil Chopade for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 22ND MARCH, 2024.

P.C. :-

1. This Writ Petition is filed by the Wife challenging the order dated 28 January 2019 passed by the Family Court, Pune, to a limited extend that the amount of maintenance, which was granted to the two children compare to the salary which the Petitioner, Respondent / Husband derives.

2. Mr.Giri, who is appearing through Video Conferencing

yesterday and today on behalf of the Respondent / Husband submits that the responsibilities of maintaining the children, is not only of the Husband, but is also of the Wife. He relies upon the following judgments :-

i). The judgment of the Supreme Court in case of **Kusum Bhatia vs. Sagar Sethi** reported in **MANU/SC/1675/2019**,

ii). The judgment of the Supreme Court in case of **Padmja Sharma vs. Ratan Lal Sharma**, **reported in (2000) 4 SCC 266**,

iii). The unreported judgment of the Nagpur Bench of this Court in the case of **Pradeep Babanrao Wankhede vs. Master Sakashit Pradeep Wankhede** in Family Court Appeal No.43 of 2019 and other connected matters dated 13 October 2021 and

iv). The judgment of this Court in case of **Sumit Vijay Kumar vs. Shraddha Gupta Jain**, reported in **MANU/MH/0685/2018**,
to buttress his submission.

3. It is a matter of record that both, the Petitioner and

the Respondent earning around Rs.1,00,000/- to Rs.1,15,000/- per month, as their salaries.

4. From the wedlock, they have twins i.e. one baby boy and one baby girl. Both the children are staying with the Petitioner mother. The case of the Petitioner is that even on the day when the order was passed, around five years back, the husband was directed to pay paltry amount of Rs.6,750/- per month towards the maintaining of each children. So also the Husband and Wife were directed to contribute 15% of their salary towards the maintenance of the children.

5. It is an admitted fact that the Respondent / Husband is earning as of today a sum of Rs.1,13,000/- per month. However, Mr.Giri submits that earlier there were two housing loans from Banks, for which he was paying EMI; however, after the said fact was disputed by Advocate Ms.Kulkarni, Mr.Giri admitted that such housing loans have been repaid. However, Mr.Giri further further submits that the Husband has now availed off two more personal loans from the Bank, for which he has to pay the E.M.I. of Rs.64,000/- per month.

6. No such proof has been brought forward by the Respondent.

7. At this stage, when this order was dictated, a photocopy of statement is forwarded by Advocate Mr.Giri, which according to him, is the repayment schedule of HDFC Bank, which according to him shows an outstanding principal amount of Rs.11,61,000/-. Ms.Kulkarni submits that according to her client's instructions, the personal loan due of the husband was for buying a four wheeler. She submits that the said car was immediately sold as soon as the Petition was filed by the Wife.

8. After hearing the parties and after going through the documents on record, according to me, a case is made out by the Petitioner / Wife that the maintenance amount payable to two daughters which was granted on 28 January 2019 at the rate of Rs.6,750/- per month to each of the child, i.e. in total Rs.13,500/- per month, needs to be enhanced.

9. I suggested to the parties that the said maintenance amount be enhanced to Rs.12,000/- per month payable to each child. At this juncture, Mr.Giri submits that maintenance amount

of Rs.10,000/- per month to each of the child would be the correct amount.

10. As of today, the interim maintenance payable towards each of the child is enhanced to Rs.11,000/- per month. Therefore, in total the Respondent / Husband would be paying a sum of Rs.22,000/- per month towards the interim maintenance amount to both the child. The said amount can be directly deposited in the bank account of the Petitioner / Wife. The said amount will be applicable from the month of January 2024. The said maintenance amount would be payable on 10th day of each month till further orders of Family Court, Pune. As regards the outstanding amount, the said outstanding amount to be paid within four weeks from today.

11. As per the directions given above, the present Writ Petition stands disposed of.

12. The Family Court, Pune to expedite the hearing of Petition No.A/676 of 2017, Petition No.A/563 of 2017 and Petition No.E/188 of 2019.

(RAJESH S. PATIL, J.)