

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.682 OF 2023
WITH
INTERIM APPLICATION NO.17503 OF 2023
IN
SECOND APPEAL NO.682 OF 2023

Yashwant Namdev Sohani
V/S
Sindhu Yashwant Sohani

....Appellant/Applicant
....Respondent

...

Mr. Kuldeep U. Nikam for the Appellant/Applicant.
Mr. Laxman K. Kalel for the Respondent.

...

CORAM: SANDEEP V. MARNE, J.
DATE : FEBRUARY 23, 2024.

P.C.:

1 This Second Appeal is filed by the Appellant-husband challenging judgment and order dated 20 October 2023 passed by the District and Additional Sessions Judge-1, Sangli, partly allowing Regular Civil Appeal No.133 of 2023 filed by him and reducing the maintenance from Rs.15,000/- to Rs.13,000/-. The Trial Court by its decree dated 1 July 2023 had directed Appellant-husband to pay to the Respondent No.1 monthly maintenance of Rs.15,000/- on 2 January 2010. The Appellant is not satisfied with the extent of solace granted to him by the First Appellant Court and has filed the present Appeal.

2 I have heard Mr. Nikam, the learned Counsel appearing for the Appellant and Mr. Kalel, the learned Counsel appearing for the Respondent. After having considered the submissions canvassed by the learned Counsel appearing for the parties, it is seen that the Appellant has retired on the post of Assistant Commissioner of Police and is drawing pension towards his retirement benefits. The Trial Court has also recorded a finding that he owns Satkar Hotel in Mumbai and also has several other assets in the form of shares, bank balance etc. The Trial Court has also held that the Appellant has disposed of some of the properties for considerable amounts of Rs.1,06,76,000/- and Rs.86,31,010/-. The details about disposal of the said properties were apparently suppressed by the Appellant in the Affidavit of assets filed before the Trial Court.

3 The First Appellate Court has already reduced the amount of monthly maintenance of Rs.15,000/- to Rs.13,000/-. Though I am not entirely convinced by the reduction effected by the First Appellate Court, the Respondent-wife has not challenged the decree reducing monthly maintenance from Rs.15,000/- to Rs. 13,000/-.

4 Mr. Nikam has contended that the amount of monthly pension received by the Appellant is only Rs.40,000/- and it is extremely difficult for him to maintain himself in such meager amount of pension. He has submitted that Respondent is residing at Sangli and has much lesser

expenses than the Appellant. Even if this contentions is accepted, the Appellant would still be left with pension of Rs.27,000/- after paying maintenance of Rs.13,000/- to the Respondent. The Appellant would thus have more than twice the amount of pension to maintain himself as compared to the maintenance amount of Rs.13,000/- granted in favour of the Respondent.

5 Considering the overall conspectus of the case, I am of the view that no substantial question of law is involved in the Appeal. The Second Appeal filed by the Appellant is accordingly rejected without any order as to costs.

6 It appears that in pursuance of order passed by this Court on 14 December 2023 Appellant has already paid an amount of Rs.1,50,000/- to the Respondent.

7 In view disposal of the Second Appeal, nothing survives in the Interim Application and the same is disposed of accordingly.

(SANDEEP V. MARNE, J.)

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