



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FAMILY COURT APPEAL NO. 19 OF 2010
WITH
CIVIL APPLICATION NO. 12167 OF 2023
IN FCA/19/2010
WITH
CIVIL APPLICATION NO. 8904 OF 2010
IN FCA/19/2010
WITH
CIVIL APPLICATION NO. 7649 OF 2023
IN FCA/19/2010
WITH
FAMILY COURT APPEAL NO. 20 OF 2010
WITH
CIVIL APPLICATION NO. 10550 OF 2017
IN FCA/20/2010
WITH
CIVIL APPLICATION NO. 15861 OF 2022
IN FCA/20/2010
WITH
CIVIL APPLICATION NO. 12168 OF 2023
IN FCA/20/2010

Sow. Rajashree Sanjay Suryawanshi
Age 30 years, Occu: Household,
R/o C/o Ramlal Mhasuji Ghate,
House No. 1-12-55, Gautamnagar,
Opp. Narwade Niwas, Ghati,
Aurangabad.

....APPELLANT
[Orig. Respondent]

VERSUS

Dr. Sanjay Kashinath Suryawanshi
Age 46 years, Occ. Professor,

R/o. 'Prafulla Laxmi Kunj',
Near University Gate,
Jaisingpura, Aurangabad.

.....**RESPONDENT**
[Orig. Petitioner]

.....
Mr. Rajesh K. Khandelwal, Advocate for Appellant
Mr. V.D. Gunale, Advocate for the respondent
.....

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, J.J.**

**RESERVED ON : 11th NOVEMBER, 2025
PRONOUNCED ON: 17th DECEMBER, 2025**

JUDGMENT : [Per Nitin B. Suryawanshi, J.]

1. These appeals filed under Section 19 of Family Court Act, 1984 by appellant/wife, challenge judgment and decree dated 19.04.2010 passed by learned Judge, Family Court, Aurangabad in Petition No. A-157/2008 filed by respondent/husband for divorce and Petition No. C-24/2008 filed by appellant/wife and daughters for maintenance.

2. Respondent/Husband filed Petition No. A-157/2008 before the Family Court under Section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking divorce on the ground of cruelty. By the impugned judgment and decree, Family Court dissolved the marriage of appellant and respondent by granting decree of divorce and directed the respondent to pay sum of Rs. 3,50,000/- towards permanent alimony to the appellant. Custody of minor daughters was continued with the

appellant.

3. By filing Petition No. C-24/2008, appellant/wife and two daughters claimed maintenance of Rs. 10,000/- each per month from the respondent contending that the respondent is lecturer by profession and he is getting Rs. 40,000/- salary per month. He is having three houses from which he is getting rent of more than Rs. 10,000/-. He also possesses 3 Acres of agricultural land from which he is getting income of more than Rs. 5,00,000/-. In all total yearly income of the respondent is Rs. 10,00,000/- and he can easily pay maintenance amount claimed by wife and daughters.

4. By filing say, husband opposed the petition contending that wife has completed B.Ed course and has also completed 1st Year M.Sc. She being educated lady is able to maintain herself. She is taking classes of school going boys and girls and is earning Rs. 10,000/- to 15,000/- per month. Wife and daughters have already claimed maintenance under section 125. He has shown willingness to bear education expenses of both the daughters. For the academic year 2007-08 he has already deposited fees of the daughters. Wife, however, refused to accept the financial support for the daughters for academic year 2008-09. He is ready to bear the said expenses. He is working in Vasantrao Naik College as Head of the Department and is

earning Rs. 18,000/- per month after deductions. It is contended that neither he has household property nor he gets rent of Rs. 10,000/-. He does not have any agricultural land.

The Family Court directed the husband to pay maintenance @ Rs. 3500/- per month each to daughters from 01.01.2010. Maintenance to the wife is rejected in view of order for payment of permanent alimony to her passed in Divorce Petition No. A-157/2008. The wife, therefore, has filed above referred two appeals.

For the sake of convenience, the appellant is hereinafter referred to as 'Wife' and respondent as 'Husband'.

5. At the time of final hearing, wife filed purshis on 10.11.2025 restricting her claim to the extent of enhancement of maintenance amount and permanent alimony awarded to her by the Family Court. Since the wife has given up the challenge to the divorce decree, the only question before us is whether the Family Court is justified in awarding permanent alimony of Rs. 3,50,000/- to the wife and maintenance @ Rs. 3,500/- each to the daughters?

6. Heard learned advocate for the wife and learned advocate for the husband at length. Perused the pleadings of the parties, evidence on record and the affidavits of assets and liabilities filed by both the parties.

7. The Family Court has recorded common evidence in both the petitions. We have scrutinized the evidence to the extent of maintenance and permanent alimony awarded by the Family Court.

8. By filing affidavit in lieu of chief examination, the wife has reiterated pleadings of her application for maintenance. The wife in cross examination has admitted that husband is lecturer and he draws salary of Rs. 40,000/- per month, his father draws pension of about 25,000/- per month and his brother draws salary of about 35,000/- per month. They are not dependent on the husband. These figures are admitted by husband in his evidence. The husband has also admitted that his father was having ancestral property at Latur. His mother owns a flat at Sanjeevani Apartment and a house property at University gate.

9. Husband has filed affidavit of in chief and has reiterated his contentions in the petition. To the extent of earning, he deposed that his present gross salary is Rs. 40,000/- per month, his father gets monthly pension of Rs. 25,000/- and brother Manish earns Rs. 35,000/- per month. He has also examined his father in support of his case. His father has admitted that the premises where they are staying and the flat at Sanjivani Apartment are in the name of his wife Sarubai. The premises at Bhavsingpura are rented out. He has

agricultural land at Bhavsingpura and village Deonala and he has agricultural income from it. He has also admitted having ancestral house at Latur. It has also come in the evidence that he is getting pension of Rs. 25,000/- and his son Manish is employed having independent income.

10. Record shows that husband's gross salary at that point of time was Rs. 1,14,607/- per month. With legitimate deductions including income tax, statutory liabilities such as provident fund, society dues, co-operative society dues, LIC etc. his take home salary was Rs. 62,816/- per month. The Family Court has found these deductions bonafide.

11. Pursuant to the directions of this Court, parties have filed their affidavits of income, assets and liabilities. Husband has stated in his affidavit that he is getting fixed pension of Rs. 1,02,350/- and he has no other earning source except pension. He has purchased a row house in September-2023 for Rs. 39,00,000/- for which he has obtained loan from LIC Housing Finance Ltd. and is paying EMI of Rs. 48,479/-. Except this row house, he does not have any immovable property. He is paying Rs. 10,000/- towards investment in mutual funds, which is in the name of his minor daughter Ishwhari, who is studying in 3rd standard in Holycross English School. He has to pay fees

of Rs. 2,000/- per month and travelling charges of Rs. 1500/-. He is suffering from high blood pressure and is required to take regular medical treatment for which he has to pay Rs. 3,000/- per month. Earlier, he was paying Rs. 5,000/- per month as house rent to the wife and Rs. 3,500/- each for his daughters. This Court increased the amount of maintenance to the daughter to Rs. 7,500/- per month from 01.10.2014. The said amount was increased by this Court vide order dated 07.02.2018 to Rs. 12,500/- each per month from January-2018. Thus, he is paying total maintenance of Rs. 25,000/- per month to the daughters. He has already deposited amount of Rs. 3,50,000/- towards permanent alimony to the wife. During the arguments, husband has shown willingness to incur marriage expenses of both the daughters.

12. In her affidavit wife has stated that Family Court has awarded meager amount towards permanent alimony, which she has not withdrawn. She has further stated that the husband is paying EMI of more than Rs. 50,000/- and he has also admitted that for maintaining her daughter with him he is incurring expenditure of Rs. 25,000/- per month. According to her, the husband has suppressed his deposits etc., and her daughters are entitled for same standard of living, which is maintained by the husband.

The wife's contention that during service the husband has

saved money and same is not disclosed by him in his affidavit appears to be probable.

13. The Family Court has noted the contention of wife that her daughters are taking education in English School and their fees would be high and increasing every year. In the light of evidence on record and taking into consideration the standard of living of the parties and daughters education, we are of the considered view that maintenance @ Rs. 3,500/- each awarded by the Family Court is grossly inadequate. The Family Court has failed to give due weightage to the earning of husband and consider the increasing school expenses and other maintenance charges of the daughters, in view of their growing age.

In the order dated 02.12.2014, this Court after taking into consideration the gross salary of husband of Rs. 1,14,607/- and his take home salary Rs. 62,816/- directed him to pay monthly maintenance @ Rs. 7,500/- to each daughter from 01.10.2014. Thereafter, by order dated 07.02.2018, this Court directed the husband to pay interim maintenance @ Rs. 12,500/- each to daughters from January-2018.

14. Taking into consideration the fact that now 7 years have passed and considering the affidavit of income, assets and liability submitted by the husband, rate of inflation, and the fact that husband

is drawing monthly pension of Rs. 1,02,350/-, we are of the considered view that amount of Rs. 15,000/- would be a reasonable amount of maintenance to each daughter.

15. For the above reasons, we are of the view that the Family Court has erred in awarding inadequate permanent alimony of Rs. 3,50,000/- to the wife. According to us, additional amount of Rs. 1,50,000/- towards permanent alimony would meet the ends of justice. Hence, the following order:

ORDER

- (i) Family Court Appeal Nos. 19 of 2010 and 20 of 2010 are partly allowed.
- (ii) Judgment and Decree dated 19.04.2010 passed by learned Judge, Family Court, Aurangabad in Petition No. A-157/2008 and Petition No. C-24/2008 is modified by enhancing amount of permanent alimony by Rs. 1,50,000/-. The same shall be deposited by the husband in the Family Court, within 08 weeks from the date of uploading of this order.
- (iii) The maintenance awarded to both the daughters @ Rs. 3,500/- per month is enhanced to Rs. 15,000/- per month to each daughter.
- (iv) Rest of the judgment of the Family Court is maintained.
- (v) Cost of litigation be paid by husband within eight weeks from the date of uploading of this order.

- (vi) In view of disposal of appeals, pending civil applications are disposed of.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)