



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

WRIT PETITION NO.1442/2025

Sachin Hari Bhalerao .Vs. Mrs. Shilpali Sachin Bhalerao

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. I. Khan with Ms Asmina Saijuddin, Advocates for petitioner.

CORAM : ANIL L. PANSARE, J.

DATE : JUNE 25, 2025

Heard.

2. Petitioner – husband is aggrieved by order dated 14.12.2023 passed below Exh.-6 by Family Court, Nagpur directing the petitioner to pay Rs.4,000/- per month to respondent – wife and Rs.5,000/- per month each to their son and daughter.

3. The Family Court noted that the respondent is highly qualified and, therefore, cannot sit idle and demand huge maintenance from her husband. The Court further noted that she may expect maintenance for children. Despite such observations, the Court directed petitioner to pay maintenance to her. The Court further noted that the petitioner is earning Rs.15,000/- per month and accordingly passed the impugned order.

4. Counsel for the petitioner has invited my attention to statement of income filed by respondent before the Family Court wherein she stated that she is earning Rs.55,000/- per month. This aspect has been not considered by the Family Court. He submits, and rightly so, that to maintain children is the a responsibility of parents. None appeared for the respondent and, therefore, submissions made by petitioner's counsel remained uncontroverted.

5. In my view, since the respondent is earning much more than the petitioner, she could not have demanded maintenance for herself and further is equally responsible to bear expenses towards maintenance of children. The Family Court appears to have lost sight of the well settled principles in this regard and proceeded to pass the impugned order.

6. At this stage, counsel for the petitioner submits that the petitioner is not avoiding his duties to maintain children and, therefore, is willing to pay Rs.3,000/- per month each to their children. Thus, petitioner's approach appears to be fair.

7. Resultantly, the petition is partly allowed. Impugned order dated 14.12.2023 passed by Family Court No.4, Nagpur, below Exh.-6 in Petition No. A-954/2021, so far as it directs the petitioner to pay Rs.4,000/- per month to the respondent is quashed and set aside. Order directing petitioner to pay Rs.5,000/- each to both children is modified by reducing it to Rs.3,000/-. The petitioner shall pay Rs.3,000/- per month each, instead of Rs.5,000/- per month each, to both children towards maintenance pendente lite from the date of application Exh.-6 i.e. from 03.08.2021.

The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)