



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

FAMILY COURT APPEAL NO. 2 OF 2024

Kalpana W/o. Prakas Nimje

Vs.

Prakash S/o. Pundlik Nimje

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

Court's or Judge's Order

Shri S. P. Hedao, Advocate for petitioner.
Shri Yuwraj Khobragade, Advocate for respondent.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 07.11.2025

Heard.

2. The appeal challenges the order dated 19.08.2023 passed by the Family Court, Nagpur in Petition No. C-23/2023 whereby, the maintenance of the petitioner was enhanced to Rs.20,000/- per month from the date of filing of the petition i.e. 11.09.2019 till the date of the judgment and Rs.30,000/- per month thereafter.

3. The appellant is the wife of the respondent. As a result of differences and conflicts, they are residing separately. Due to an order passed in another proceedings, the respondent was paying maintenance @ Rs.3,000/- per month to the appellant and @ Rs.1500/- per month to his son. However, the said order was carried by the appellant in Family Court Appeal wherein, by way of compromise, it was

agreed by the respondent that he will pay an amount of Rs.5,000/- to the wife and Rs.5,000/- to his son.

4. Thereafter, the appellant filed Petition No. C-23/2023 before the Family Court, Nagpur for enhancement of the maintenance amount on account of increase in the salary of the respondent as well as increase in the cost of essential commodities. The Family Court, after considering the defence of the respondent, enhanced the maintenance amount to the appellant from a total Rs.10,000/- per month to Rs.20,000/- per month from the date of the application till the date of the judgment and Rs.30,000/- per month thereafter.

5. The appellant is aggrieved by the impugned judgment dated 19.08.2023 passed by the Family Court on the premise that the salary of the respondent increased with effect from 01.01.2016 in wake of implementation of the 7th Pay Commission. According to the learned counsel for the appellant, the appellant is entitled to the enhanced maintenance amount from 01.01.2016 i.e. the date from which the salary of the respondent increased.

6. *Per contra*, the learned counsel for the respondent vehemently objected to these submissions and submitted that there is no such provision to grant maintenance for the period prior to the date of application. According to him, the Family Court has rightly considered all the aspects and granted enhanced maintenance amount to the appellant from the date of application and prayed for dismissal of the appeal.

7. No doubt the salary of the respondent was increased with effect from 01.01.2016 but the fact remains that the appellant filed the application for enhancement of maintenance on 11.09.2019. We find substance in the argument advanced by the learned counsel for the respondent that there is no provision to grant maintenance from the date when no such application was even filed. Therefore, we do not find substance in the grounds raised by the appellant. The appeal is devoid of merits and accordingly, it is dismissed.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)