

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3141 OF 2019
IN
FAMILY COURT APPEAL NO. 159 OF 2010

Kirtida Bhavesh Chhadva ... Applicant
Versus
Bhavesh Shamji Chhadva ... Respondent

Ms. Saswati Deb Sanjit, Advocate for the Applicant.
Mr. Bhaskar J. Sarwade, Advocate for the Respondent.

CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.

DATE : 16 November 2022

P.C. :

Heard the learned counsel for the parties.

2. By this Application, the Applicant is seeking modification of the order dated 29 August 2013 to enhance the interim maintenance to Rs.55,000/-.

3. On 29 August 2013, the Division Bench of this Court by detailed order fixed the maintenance amount per month at Rs.5,000/-. In clause no.12 (iv) of the said order, liberty is given to

the Applicant that in the event, additional documentary evidence is available to show that the earnings of the Applicant are more than amount is reflected, it is open to the Applicant to apply to modify the said order. However, in the application, Applicant only pleadings are in respect of enhancement by passage of time. Learned counsel for the Applicant submits that modification is also sought based on Clause 12 (iv) of the order. However, there are no pleadings to that effect in the application. Leave to amend for that purpose is accordingly granted. Amendment to be carried out within a period of two weeks.

4. Stand over to 7 December 2022.

5. However, we cannot be unmindful of the passage of time since 2013 and the amount of Rs.5,000/-was fixed considering the purchase value at that time and certainly the same position does not exist today after ten years. Therefore, by way of ad-interim order, we direct that from December 2022, onwards the Respondent shall pay Rs.10,000/- per month maintenance to the Applicant, subject to hearing the Applicant further on the amended application.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)