

IN THE SUPREME COURT OF INDIA
[CIVIL APPELLATE JURISDICTION]

CIVIL APPEAL NO. 8961 OF 2010
[Arising out of SLP(C) No. 18424 of 2009]

MANJU TRIPATHI

Appellant

VERSUS

DEEPAK TRIPATHI

Respondent

O R D E R

Leave granted.

The appeal is directed against the judgment and order dated April 1, 2009 rendered by the learned Single Judge of the High Court of Madhya Pradesh, Principal Bench, Jabalpur in Writ Petition No. 587 of 2009 by which the maintenance granted to the appellant by the learned Magistrate is reduced from Rs.15,000/- to Rs.10,000/-.

Heard the learned counsel for the parties.

The fact that the appellant has two children and she is not earning is not denied by the respondent.

On the facts and circumstances of this case, this Court is of the opinion that the the learned Magistrate rightly ordered the respondent to pay maintenance of Rs.15,000/- per month. The High Court was not justified in reducing the amount of maintenance from Rs.15,000/- to Rs.10,000/- while exercising powers under Article 227 of the Constitution. Therefore, the impugned order is liable

2

to be set aside. Accordingly, the impugned order of the High Court is set aside and the order of the learned Magistrate is restored. The respondent shall pay the amount of maintenance to the appellant at the rate of Rs.15,000/- per month as directed by the learned Magistrate.

With the above directions, the appeal is disposed

of.

.....J.
(J.M. PANCHAL)

.....J.
(GYAN SUDHA MISRA)

New Delhi;
October 8, 2010.

3

ITEM NO.37

COURT NO.13

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)
No(s).18424/2009

(From the judgement and order dated 01/04/2009 in WP No.
587/2009 of The HIGH COURT OF M.P AT JABALPUR)

MANJU TRIPATHI

Petitioner(s)

VERSUS

DEEPAK TRIPATHI

Respondent(s)

(With prayer for interim relief and office report)

Date: 08/10/2010 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Fakhruddin, Sr. Adv.
Mr. Raj Kishor Choudhary, Adv.
Mr. Bharat Bhushan, Adv.
Ms. Chitranjali Negi, Adv.
Ms. Gulfishan Javed, Adv.
Ms. Neeru Sharma, Adv.
Mr. Aftab Ali Khan, Adv.

For Respondent(s) Mr. Prashant Shukla, Adv.
Mr. Amit Pawan, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of, in terms of the signed
order.

(V.K. Tiwari)
P.A.

(Sneh Bala Mehra)
Court Master

4

(Signed order is placed on the file)