

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 1552 OF 2015

Girish Prakash Jadhav ... Petitioner

Versus

Manisha Girish Jadhav ... Respondents

.....
Mr. A.G. Magre, Advocate for petitioner

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 23rd FEBRUARY , 2015

PER COURT :

1. The petitioner assails an interlocutory order below Exhibit 17 dated 01-01-2015 passed by the Trial Court in H.M.P. No. 103 of 2014.

2. By the impugned order, the petitioner is directed to pay interim maintenance of Rs. 5,000/- per month for sustaining the respondent/ wife and their son with effect from 19-08-2014. Grievance is that the respondent herself is a bus conductor working with the Maharashtra State Road Transport Corporation and earns a salary of about Rs. 9,833/- per month.

3. The petitioner claims that he does not have a proper employment and is earning Rs. 15,000/- to Rs. 25,000/- per month in private employment. He clarifies that his monthly income is out of self-employment since he has given-up his job in private employment at Pune. He further submits that the respondent desired to live separately since the petitioner was not willing to live along with her at the place of her parents residence. He further submits that he was willing to sustain the marriage, but for the adamant attitude of the respondent.

4. The petitioner further submits that the impugned order be stayed as it deserves to be set aside since it is untenable in law.

5. I have heard learned Advocate for the petitioner and have gone through the petition paper book. The petitioner is a Mechanical Engineer having obtained his degree from the Engineering College. It appears from the observations of the Trial Court and which are not denied by the petitioner that he was in private employment at Pune and was drawing a salary of about Rs. 60,000/- per month. He claims that he has left the said employment and is now earning Rs. 7,000/- per month. It is submitted that because he is in self-employment, his earning varies from Rs. 15,000/- to 25,000/- per month.

6. Taking into account the above facts that the petitioner was earlier in private employment and is presently self-employed, the impugned order granting only Rs. 5,000/- towards interim maintenance of the respondent/ wife as well as the son living with her, does not appear to be a perverse order which is likely to cause grave injustice to the petitioner.

7. Taking an over all view of the fact situation I, therefore, do not find it appropriate to cause any interference in the impugned order dated 01-01-2015. The Writ Petition being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)