

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2765 OF 2015

Chandrashekhar Narvankar	... Petitioner
vs.	
Anjali Chandrashekhar Narvankar	... Respondent

Mr. Ranvir Shekhawat i/b. Raj Legal, for the Petitioner.
Mr. Nitin Gangal, for the Respondent.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 30, 2015

P.C.:

. Rule. Rule made returnable forthwith. Heard the parties finally at the stage of admission, by consent.

2. In this writ Petition, the Petitioner-husband challenges the orders dated 26th May, 2014 and 1st August, 2014 passed in the Petition No. C-139 of 2013 thereby directing the Petitioner-husband to pay Rs. 15,000/- p.m to the Respondent-wife and Rs. 7,000/- p.m to the daughter Shreya under Hindu Adoption and Maintenance Act, 1956.

3. The learned counsel for the Petitioner-husband submits that the Family Court did not take into account that since 1997 to

2014 the Respondent-wife did not apply for the maintenance. She was able to maintain herself during that period. He further submitted that the Respondent-wife is earning money. She has regular source of income. That fact is also overlooked by the learned Judge of the Family Court. He pointed out that the passbook entries in her account disclosing that the substantial amount was deposited in her account from time to time. He further submitted that by an order dated 26th May, 2014, the learned Judge has granted maintenance of Rs. 17,000/- p.m. and however no reasons are given as to why maintenance amount increased from Rs. 17,000/- to Rs. 22,000/- p.m. Thus this order is illegal and it is to be set aside.

4. The learned counsel for the Respondent-wife supported the order of the Family Court. He submitted that the Respondent-wife has no source of income and Respondent-wife has explained all the entries of money in her passbook in detail in her reply. He further submitted that the Respondent-wife looks after the daughter and that is also taken into account by the Court.

5. Perused the order passed by the learned Judge of the

Family Court. The Family Court has considered all the parameters which are taken into consideration for granting maintenance. The salary slip of the Petitioner-husband was taken on record and his net salary is Rs. 47,222/-. The Respondent-wife is shouldering the responsibility of the daughter and the trial Court has mentioned that on perusal of the documents which are produced by the wife, it is found that she does not have regular source of income. The point raised by the learned counsel for the Petitioner-husband that from 1997 to 2014 she did not apply for the maintenance and therefore it is to be inferred that she has regular source of income, can not be a circumstance to deny the maintenance to her.

6. Thus the order passed by the learned Judge of the Family Court is found well reasoned and no illegality is found to interfere in the said order.

7. Hence, the Petition stands rejected.

(MRS.MRIDULA BHATKAR, J.)