

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2728 OF 2014

Shri. Chainu Narayan Patil

.. Petitioner

Versus

Mrs. Vaishali Chainu Patil

.. Respondent

Shri. Shreekant V. Gavand, for the Petitioner.

Ms. Namrata S. Bobade i/by Manoj Bhatt, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 09th MARCH, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 10.12.2013 passed by the Learned Joint Civil Judge, Senior Division, Panvel, by which order the application Exh.18 for interim maintenance filed by the Respondent herein came to be allowed and the interim maintenance at Rs.6000/- for the Respondent and at Rs.3000/- for the child came to be granted.

2. The Petitioner herein had filed Hindu Marriage Petition No.15 of 2009 for divorce against Respondent herein. The divorce is sought on the grounds mentioned in the said Hindu Marriage Petition. It is in the said Hindu Marriage Petition that the instant application Exh.18 came to be filed by the Respondent wife invoking Section 24 of the Hindu

Adoption and Maintenance Act. In the said application the Respondent claimed interim maintenance at Rs.20,000/- for herself and daughter. It is the case of the Respondent that she has to look after the education of the daughter and as also to maintain herself. It is further the case of the Respondent that the Petitioner herein is carrying on business of Mandap Decorator and his yearly income is in the range of Rs.3,00,000/-. It is further alleged that the Petitioner has rented 12 to 15 rooms which are of his ownership and derives income to the extent of Rs.1,00,000/- from the said rental. It is also alleged against the Petitioner that the lands belonging to the Petitioner's family are acquired for the Navi Mumbai project pursuant to which the Petitioner's family has been allotted 12.5% plots and has also received compensation for the acquired lands. After taking into consideration the aforesaid circumstances, the Trial Court deemed it appropriate to fix the interim maintenance at Rs.6000/- for the Respondent and Rs.3000/- for her daughter. The Learned Counsel appearing on behalf of the Petitioner Shri. Shreekant V. Gavand would contend that the said amount is exorbitant and that a lesser amount ought to have been fixed by the Trial Court as interim maintenance. Though the case of the Respondent herein as regards the income of the Petitioner is sought to be controverted on behalf of the Petitioner the same is not done with any deal of conviction. In my view, having regard to the facts which

are aforesaid the grant of interim maintenance of Rs.6000/- for the Respondent and Rs.3000/- for the child cannot be said to be exorbitant or unreasonable considering the cost of living that is prevalent in the present times. The impugned order passed by the Trial Court therefore, does not merit any interference at the hands of this Court. The Writ Petition is accordingly dismissed. All interim orders stand vacated.

[R.M. SAVANT, J]