

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4435 OF 2014**

Vishal Mahadev Shinde

..Petitioner

Vs.

Komal Vishal Shinde

..Respondent

Mr. Makrand Rege for the Petitioner

CORAM : R. M. SAVANT, J.

DATE : 10th MARCH, 2015

P.C.

1 The order dated 21-3-2014 passed by the Learned Civil Judge Senior Division, Satara, fixing interim maintenance at Rs.10,000/- per month, is taken exception to by way of the above Petition. The said application for interim maintenance has been filed in HMP No.275 of 2013 which has been filed for divorce by the Petitioner on the grounds mentioned in the said Petition.

2 The application for interim maintenance is founded on the fact that the Petitioner herein i.e. the Respondent in the said application was pursuing his Ph.D in the KEM hospital, Mumbai. The family business of the Petitioner is of electroplating and it is alleged that the same is a flourishing business. It is also the case of the Respondent wife that the Petitioner's family owns landed property in Satara which is also under cultivation wherein strawberry is grown and therefore there is income from the said agricultural

land also. It is further the case of the Respondent wife that the family of the Petitioner owns two Scorpio cars and one Polo car and that they are well off. The Respondent wife had therefore sought interim maintenance at Rs.25,000/- per month. The case put by the Petitioner husband was that he was pursuing his post graduation and his income is a sum of Rs.20,000/- per month. The Trial Court considered the said application and as indicated above has by the impugned order dated 21-3-2014 has fixed the interim maintenance at Rs.10,000/- per month from 1-3-2014 and has also awarded Rs.15,000/- as costs of litigation. The Trial Court has taken into consideration the facts which have been afore stated and thereafter have fixed the interim maintenance.

3 It is well settled that in so far as the grant of maintenance is concerned, the same should be fixed having regard to the standard of living which the parties accustomed to. If the said yardstick is applied and having regard to the financial wherewithal of the Petitioner which would include his family income, the fixing of the interim maintenance at Rs.10,000/- cannot be said to be exorbitant or unreasonable having regard to the cost of living which is prevalent at present. In that view of the matter, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed. However, the hearing of HMP No.275 of 2013 is expedited.

[R.M.SAVANT, J]