

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6817 OF 2015

Satyawan Tanaji Medankar ... Petitioner
Vs.
Smt. Shobha Satyawan Medankar ... Respondent

Mr. Hemant Ghadigaonkar, Advocate for the petitioner.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 23, 2015**

P.C.:

This Writ Petition is directed against the order of maintenance filed under section 24 of Hindu Marriage Act dated 28th January, 2015 passed by the Joint Civil Judge Senior Division, Pune directing to pay maintenance of Rs.3,000/- p.m. to the respondent/wife towards maintenance *pendente lite* and Rs.7,000/- p.m. by way of legal expenses.

2. The learned counsel for the petitioner submitted that the learned Judge has not considered the important aspect in the reply given by the petitioner/husband. He submitted that the respondent/wife inherited the property from her parents. She sold that property and out of that transaction, she got nearly an amount of Rs.30 lakhs. Other than Rs. 30 lakhs, she acquired two flats and these flats are let out on rent for Rs.20,000/- p.m. He submitted that the financial condition of respondent/wife is very sound and the petitioner/husband is working in

MIDC and drawing salary of Rs.25,000/-. The age of petitioner is 55 years and that of respondent is 52 years. Considering this, the order passed by the learned trial Judge is erroneous and is to be set aside.

3. Perused the said order. The learned Judge has considered that respondent/wife has inherited some property and she has also let out flats for rent and earning Rs.20,000/- p.m. These contentions raised in the reply of the petitioner are taken into account by the learned Judge. The learned Judge has also observed that some documents to substantiate these contentions are filed at Exhibit 23, however, those documents do not disclose her monthly income. The order passed by the learned Judge is not illegal. It is to be mentioned that the petitioner/husband is 55 years old and respondent/wife is 52 years old. They have two children and both are married. The daughter is at present residing with the respondent. At present, the respondent/wife is occupying the official premises which is allotted to the petitioner/husband by his office. The amount of interim maintenance of Rs.3,000/- is not excessive. Hence, the Writ Petition is dismissed summarily.

(MRS.MRIDULA BHATKAR, J.)