

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO.12894 OF 2014**

Santosh Sonaji Kamble

..Petitioner

Vs.

Kavita Santosh Kamble

..Respondent

Mr. Indrajeet Kulkarni for the Petitioner

CORAM : R. M. SAVANT, J.

DATE : 19th JANUARY, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 29-1-2014 passed by the Learned 2nd Joint Civil Judge Senior Division, Kalyan, by which order, the application Exhibit 10 filed by the Respondent for interim maintenance came to be partly allowed and the Trial Court fixed the interim maintenance at Rs.3000/- per month. The said application for interim maintenance was filed by the Respondent in the divorce Petition filed by the Petitioner on the ground of cruelty. The Respondent claims interim maintenance at Rs.6000/- on the ground that the Petitioner herein is drawing a salary of Rs.15,000/- from India Bulls Ltd., wherein the Petitioner is working. The said fact was controverted by the Petitioner by contending that on account of mental agony and in view of the fact that he cannot be concentrate on his work, his employer asked him to resign, pertinently no documents to that effect were placed on record except the resignation letter. The Trial Court held that the said theory propounded by the Petitioner could not be accepted in the

absence of the acceptance of resignation by his employer and evidence to that effect produced in the Court. The Trial Court has also adverted to the loans taken by the Petitioner from LIC and from two Pat Sansthas (Credit Societies). The Trial Court having regard to the totality of the circumstances deemed it appropriate to fix the interim maintenance at Rs.3,000/- per month from the date of the application.

2 In my view, having regard to the reasons mentioned in the impugned order and having regard to the fact that the Petitioner has not substantiated his case of he having resigned and now earning only Rs.200 or Rs.250 per day, the interim maintenance fixed at Rs.3000/- cannot be said to be exorbitant. Hence no interference is warranted with the fixing of the said interim maintenance at. Rs.3000/- per month. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]