

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

WRIT PETITION NO.6704 OF 2013

Mr. Gyan Chandrakant Chadda
Aged about 44 years,
Hindu Indian Inhabitant,
Occ. Self employed
Residing at 13-C, Ram Kutir
Bangur Nagar, Goregaon (West)
Mumbai-400 090.

.. Petitioner.

V/s

Mrs. Payal Gyan Chadda
Aged about 33 years, Hindu Indian
Inhabitant, occ. Business
Residing at : C/o. Chandrakant Bhansali
505, Jewellers Apartment,
56, Peddar Road, Next to Villa
Teressa School, Near Nalanda Bus Stop
Mumbai-400 026.

.. Respondent.

Mr. B.G. Vaidya, for Petitioner.

Mr. Amogh Karandikar i/b Khandeparkar & Associates for
Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 13th April, 2015.

P.C.

1. This petition is directed against the order dated 13th March, 2013 by which the petitioner is directed to to pay the interim maintenance of Rs.10,000/- as his contribution for the maintenance

of the child. The order was to take effect from the date of the application i.e. 30th August, 2012. Under the order, the petitioner has to remit the amount in the bank account of petitioner by every 5th day of the month via electronic modes like NEFT, ECS etc and on failure to pay by the due date, he has to pay simple interest at the rate of 6% per annum.

2. Mr. Vaidya, the learned advocate for the petitioner states that the amount of interim maintenance which is fixed at Rs.10,000/- is excessive and the petitioner cannot afford to pay the same. According to him, the income of the petitioner is Rs.15,000/- as disclosed in Income Tax Returns. Out of that meagre income he has to maintain himself, his father and also his brother. It is well known that the Income Tax Returns cannot be taken as true disclosure of the income by a person, who is self employed. The petitioner claims to be taking painting contracts and also doing some odd jobs in the companies. He has not given any particulars of either of his activities which would have helped in assessing his income. According to the respondent-wife, the total expenses incurred for the child in every month which includes school fees, uniform, shoe etc. is Rs.20,000/-. The Family Court has noted that the respondent-wife has her own

independent income and therefore has given directions for sharing the expenses of the child equally. The respondent has to bear her contribution @Rs.10,000/- and the petitioner has to share the balance amount of Rs.10,000/-. It is obvious from the record that the petitioner has not made proper and correct disclosure of his income in the proceedings. The amount of the interim maintenance fixed by the Family Court is fair and reasonable amount and the order does not require any interference at the hands of this Court.

3. The petitioner is in arrears of maintenance to the extent of Rs.2,00,000/-. Shri Vaidya, the learned advocate upon instructions from the petitioner, who is present in the court, states that the petitioner will clear the arrears of maintenance within the period of four months from today.

(Smt. R.P. SondurBaldota, J.)