

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8425 OF 2015

Anurag Ajitkumar Shah	..	Petitioner
VS.		
Ms Komal Anurag Shah	..	Respondent

Mr. Reshab Kumar for Petitioner.
Mr. Harshad Sathe i/b. Mr. Sourabh Butala for Respondent.

CORAM : M. S. SONAK, J.
DATE: 23 SEPTEMBER 2015

P.C. :-

1] This petition challenges order dated 17 April 2015 by which the petitioner has been directed to pay interim maintenance at the rate of Rs.10,000/- per month to the respondent wife from the date of the order i.e. 17 April 2015.

2] The learned counsel for the petitioner has submitted that his income is only Rs.30,000/- per month. The respondent wife is having an income of Rs.16,000/- per month. The petitioner is required to take care of his aged parents as also discharge certain loan liabilities towards vehicle etc. In such circumstances, the interim maintenance ordered is exorbitant.

3] The learned counsel for the respondent on the other hand has submitted that the respondent's income is not more than Rs.12,000/- per month (net). That apart, the learned counsel for the respondent wife has submitted that the petitioner was drawing salary of Rs.45,000/- , although now it is portrayed that the salary drawn is only Rs.30,000/-. As per the documents produced by the petitioner on record, the so-called reduction in salary is for reasons attributable to the petitioner himself and in any case, the theory of reduction cannot be believed.

4] Having heard the learned counsel for the parties and perused the record, in my judgment, there is no reason to interfere with the impugned order which has only determined interim maintenance. The impugned order has in fact directed payment of interim maintenance only from the date of the order, though, the respondent wife had claimed for interim maintenance from the date of filing of the petition. In fact the review petition instituted by the respondent wife on this aspect has already been dismissed. This itself, is some relief to the petitioner. That apart, the determination is only at the interim stage. In making such determination, the Family court had appreciated the material on record in its proper perspective. There is no perversity or unreasonableness involved. Ultimately, the detailed contention of the parties will have to be

considered and decided by the Family Court at the stage of final determination. By that stage the parties will have led evidence in the matter. Suffice to note that the interim maintenance as determined by the impugned order is neither vitiated by any jurisdictional error nor by any perversity of approach.

5] Accordingly, no case is made out to interfere with the impugned order. This petition is dismissed. There shall be no order as to costs.

6] It is however made clear that the observations in the impugned order as also in the present order are only *prima facie* and therefore the same need not influence the Family Court at the stage of final determination. All contentions of all parties are left open for decision by the Family Court.

(M. S. SONAK, J.)

CERTIFICATE

“Certified to be true and correct copy of the original
signed Order.”