

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO. 633 OF 2015

Rupesh D. Kothari .. Applicant  
vs.  
Seema R. Kothari .. Respondent

Ms V.A. Navale for the Applicant.

**CORAM : M. S. SONAK, J.**  
**DATE : 19 OCTOBER 2015.**

**P.C. :-**

- 1] Not on board. Upon production, taken on board.
- 2] Heard learned counsel for the Applicant.
- 3] No case is made out to exercise revisional jurisdiction and set aside the impugned order, by which the interim maintenance has been granted. In exercise of revisional jurisdiction, there is no scope to re-appreciate the material on record with a view to assess whether a different view is possible. The Family Court has rightly appreciated the material on record and held that it is unbelievable that the Applicant earns only Rs.30,000/- per month. Admittedly, the Applicant's family is in the business of transport. The learned counsel for the Applicant has contended that the said business is in the name of Applicant's father. However, there is no dispute that the Applicant

is also involved in that business. On the basis of certificate that the Applicant is drawing only Rs.30,000/- per month, it cannot be said that the same is entire income of the Applicant. Besides, there is material on record which indicates that the substantial investment has been made in the share market. If, indeed the salary of the Applicant is only Rs.30,000/- per month and there is no other income besides the said salary income, it is inconceivable as to how the Applicant has huge investments in the share market. The Applicant has also not disclosed with clarity about the income which he earns from out of shares.

4] The maintenance was awarded not merely to the Applicant's wife but also to the two minor children, who are in the custody of the wife.

5] There is no jurisdictional error in the making of impugned order. Accordingly, Civil Revision Application is dismissed. There shall, however, be no order as to costs.

**(M. S. SONAK, J.)**