

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9210 OF 2014

Nilesh Vithal Suravase	... Petitioner
Vs.	
Suchitra Nilesh Suravase	... Respondent

Mr. Tapan Thatte, Advocate for the petitioner.
None for the respondent.

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

P.C.:

This Writ Petition is filed against the order dated 19th May, 2014 passed by the learned Judge of Family Court, Pune directing the petitioner/husband to pay Rs.5,000/- p.m. to respondent/wife and Rs.5,000/- p.m. to minor son towards interim maintenance from the date of application, i.e. 9th May, 2013.

2. The learned counsel for the petitioner/husband submitted that he is not challenging the order of the Family Court awarding Rs.5,000/- maintenance to son, though according to the learned counsel, no maintenance can be granted under section 24 of the Hindu Marriage Act to a child. However, he is not disputing the said amount of Rs.5,000/- directed to be paid to his son. In this Petition, he is only challenging the amount of maintenance of Rs.5,000/- which is awarded to

respondent/wife. He submitted that the respondent is highly educated, i.e. B-Tech and M-Tech. She is working in IBN Company and drawing salary of Rs.40,000/- per month. The learned counsel submitted that compared to her income, the salary of the petitioner is less and he is drawing only Rs.36,000/- p.m. The learned counsel drew my attention to pamphlet, i.e., Annexure 'G' colly. and other documents when respondent was contesting election for Pune Municipal Corporation. He pointed out that in the pamphlet, the respondent has mentioned her qualification as Computer Engineer (B Tech). The learned counsel further submitted that the respondent has spent Rs.68,000/- for the election and if at all she is capable of spending this amount, the trial Court ought to have considered her income and the petitioner should not have been saddled by the impugned maintenance. On the point of non-production of any document in support of income of the respondent/wife, the learned counsel relied on the judgment of Delhi High Court in the case of **Radhika vs. Vineet Rungta reported in (2004) 73 DRJ 311** wherein it is observed that the parties do not come forward with the actual income, however, while deciding the maintenance application, the Court has to take into account their life style and then fix the income.

3. In the order dated 19th May, 2014, the learned Judge of the Family Court has considered the submissions of the petitioner/husband and has

rightly held that merely spending Rs.68,000/- for election does not disclose that the respondent is a working woman and drawing some fixed salary to run her day-to-day expenses. It is observed that no documentary evidence is produced to show that the respondent/wife is drawing salary of Rs.40,000/- p.m. Today also, the petitioner/husband is not in a position to produce any documents to show respondent's educational status as M tech and her salary. Contesting election and spending money of Rs.68,000/- in the year 2012 does not infer that the respondent is leading a fluent life style. Considering this, I do not find any illegality in the order passed by the learned Judge of the Family Court. Hence, the Writ Petition is dismissed summarily.

(MRS.MRIDULA BHATKAR, J.)