

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 1589/2015.

Kuntal Gonwantrao Deotale

-VERSUS-

Smt. Snehal Kuntal Deotale

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.R. Deshpande, Advocate for the Petitioner.

CORAM : R.K. DESHPANDE, J.

DATE : SEPTEMBER 28, 2015.

Heard. Challenge in this petition is to the order dated 31.01.2015, passed by the Family Court No.3 at Nagpur directing the petitioner to pay interim maintenance @ Rs.5000/- per month to the respondent – wife from the date of filing of application i.e. 06.12.2013, till the decision of the petition for divorce.

Shri Deshpande, learned counsel appearing on behalf of the petitioner – husband has urged that the respondent possess qualification of B.A., B.Ed. She was employed in New English High School on 01.07.2014 and she did job of teaching upto

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31.10.2014. He submits that if the wife has capacity to earn and also possesses sufficient qualification, then the question of payment of interim maintenance by the husband does not arise at all. He has relied upon two decisions for this purpose, one of Madhya Pradesh High Court in case of Smt. Mamta Jaiswal .vrs. Rajesh Jaiswal (II (2000) DMC 170) and other is of Delhi High Court in case of Damanpreet Kaur .vrs. Indermeet Juneja and another (Cri.Rev.P. No.344/2011 dated 14.05.2012).

After going through the cited decisions, it is apparent that infact the Courts have upheld the order of maintenance passed in favour of the wife. In the order impugned, the Family Court has observed in paragraph no.6 as under :

“... Undisputedly in present matter, at present, the respondent is serving abroad i.e. Chilly. However, he failed to disclose his exact income from said job for the reason best known to him. It revealed from his reply that he is drawing salary of Rs. 31,500/- p.m. and out of it he has to maintain his old aged father and two school going children. Even after considering the liabilities there remains sufficient amount in his hand for

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providing maintenance to the petitioner. Therefore, having regards to the entire facts and circumstances, respondent's income and liability, day to day needs of the petitioner, prices of essential commodities and status and living standard of the parties, I am of the opinion that at this stage, the balance can be struck by awarding interim maintenance of Rs. 5000/- p.m. in favour of the petitioner from the date of application along with litigation expenses of Rs. 3000/-. Having regard to the entire circumstances, I find that this much amount would serve the needs of the petitioners and respondent can also easily pay the same. Accordingly, point no.1 and 2 are answered.”

In view of the above observations no interference is called for. Writ Petition is dismissed.

The amount of maintenance deposited by the petitioner, is permitted to be withdrawn by the respondent along with interest accrued on it, if any.

JUDGE

Rgd.