

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2771 OF 2016

Santosh J. Patil	..	Petitioner
VS.		
Sou. Meghana S. Patil	..	Respondent

Mr. Nagesh Y. Chavan for Petitioner.

CORAM : M. S. SONAK, J.
DATE : 22 MARCH 2016

P.C :

- 1] Heard the learned counsel for the petitioner.
- 2] The learned counsel for the petitioner submits that the very marriage between the petitioner and the respondent is a nullity because the respondent suppressed certain material particulars with regard to her ability to conceive. Further, the learned counsel for the petitioner has submitted that the trial court having disbelieved the case of the respondent that the petitioner runs a hardware shop and gets income of Rs.60,000/- per month, has erred in directing the petitioner to pay interim maintenance at the rate of Rs.4,000/- per month.
- 3] The impugned order has merely granted interim maintenance. The issue as to whether the marriage is a nullity or not on the

grounds urged or otherwise, is a matter which will ultimately have to be decided at the final stage. On basis of this, the petitioner, cannot avoid payment of even interim maintenance to his wife. As of today, the marriage between the petitioner and the respondent very much subsists. In the impugned order, it is recorded that the petitioner does a private job and further, has agricultural land and open land at Village Bhose. It is also *prima facie* finding recorded that no other persons are depending upon the petitioner.

4] In view of the aforesaid, the award of Rs.4,000/- per month by way of interim maintenance can hardly be styled as arbitrary, unreasonable or without jurisdiction.

5] Considering the limited parameters of judicial review in a petition under Article 227 of the Constitution of India. There is no case made out to interfere with the impugned order. This petition is therefore dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)