

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 406 OF 2014

Rashmi Atulkumar Gupta & Anr.

....Petitioners

V/s.

Atul Kumar Gupta

.....Respondent

* * * * *

Ms. Varsha Palav i/by. The Laureate, Advocate for the petitioners.

Mr. Ashok Mishra a/w. Mr. Pradeep Dube, Advocate for the respondent.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

7TH JUNE, 2016.

P.C. :-

1). This petition by the wife challenges the order dated 2nd November, 2013 by which her application at Exhibit-12 for maintenance for herself and the son was decided. The petitioner was denied maintenance on the ground that, she is self employed and earning substantially. For the son, interim maintenance of Rs.10,000/- was given. Today, the son having attained majority is not entitled to receive any maintenance.

2). The petitioner, in her application claimed that, her personal monthly expenses are of Rs.67,487.53 and the expenses towards the son are Rs.20,965/-. Apart from the expenses of living, the petitioner

claimed an amount of Rs.5,000/- towards medical and doctor bills, Rs.36,516/- towards EMI of home-loan, Rs.6,238/- towards EMI of personal bank loan and legal expenses of Rs.3,000/- per month. As regards the son, apart from the school fees, she claim an amount of Rs.8,197/- for Mahesh Tutorials Coaching fees and Rs.7,010/- as EMI of education loan from Vijaya Bank. There are no details of these expenses stated in the application. The respondent has denied the contentions and the specific expenses in the affidavit-in-reply. Even then, the claims have not been substantiated in the affidavit-in-rejoinder filed by the petitioner. Thus, the major claims made in the application for maintenance are not justified. The petitioner claims to be earning about Rs.30,000/- per month by doing freelance business. The Family Court, has disbelieved that claim considering the total expenses of about Rs.88,000/- incurred by her for herself and the child every month. Considering the pleadings, I find no infirmity whatsoever in the impugned order. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)