

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4796 OF 2016

Shri. Shridhar Ramulu Sadula

.. Petitioner

Versus

Mrs. Lata Shridhar Sadula

.. Respondent

Mr. S. D. Barne, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 25th APRIL 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 21.07.2015 passed by the Learned Principal Judge of the Family Court, Mumbai, by which order, the application Exh.8 for interim maintenance came to be partly allowed and the Petitioner herein who was the Respondent in the said proceedings was ordered and directed to pay an amount of Rs.3000/- per month for the Respondent wife and Rs.3000/- for her minor daughter Rishika from the date of the application i.e. 21.04.2015.

2. It was the case of the Respondent wife that the Petitioner herein is a tailor and is earning about Rs.30,000/- per month. He also receives rent of Rs.10,000/- per month, for a room at Antop Hill. Further

he does money lending and earns about Rs.1,00,000/- per month. The said case of the Respondent wife was sought to be countered by the Petitioner husband by contending that he is jobless and working on daily wages and gets Rs.4000/- per month. The said case of the Respondent was not accepted by the Trial Court but held that in the absence of any documentary evidence placed by the Respondent husband on record in respect of his own income as also in respect of his wife's income, the maintenance of Rs.3000/- for his wife and Rs.3000/- for minor daughter Rishika was required to be granted.

3. In my view, having regard to the facts on record, the grant of interim maintenance at the rate granted by the Trial Court cannot be taken exception to. It is also required to be noted that the order has been passed on 21.07.2015. The instant Petition has been filed on 11.02.2016 and therefore, the Petitioner can be said to have acquiesced in the said order passed by the Family Court of interim maintenance. In that view of the matter, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]