

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

WRIT PETITION NO.5850 OF 2015

Ms. Beena Joseph		Petitioner
<u>Vs.</u>		
Mr. Joseph Mani		Respondent

Mr. Hitesh P. Vyas, Advocate for the Petitioner.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 19th July, 2016

P.C.

1 This petition challenges the order dtd. 27th March, 2015, by which the Family Court, Pune has rejected the petitioner's application for interim maintenance.

2 The petitioner and the respondent married on 18th January, 1988 and have two children from the wedlock. Both the children are residing with the respondent-father. The petitioner has sought maintenance in the sum of Rs.1,50,000/- by alleging that the respondent earns Rs.3,00,000/- per month.

3 In her short application, all that the petitioner states is that she is jobless and has no source of income and hence she is unable to maintain herself. As regards the respondent, she alleges that the respondent's monthly income is of Rs.3,00,000/-. There

are no dependents on him. He owns a Honda City car and has several investments.

4 The respondent in his affidavit-in-reply alleged that the petitioner earns by giving tuitions. She regularly files Income-tax returns. She is in possession of a car and scooter given by the respondent to her for her use. She has also been paying L.I.C. premiums taken by her. The house in which she is residing is owned by the respondent. He is also paying security charges to the society for the same. As regards the dependents upon the respondent, he points out that undisputedly both the children reside with him and are being maintained by him. The son is presently studying abroad with the support of the respondent. The daughter is studying in college. There is no specific denial of any of these facts in the affidavit-in-rejoinder filed by the petitioner.

5 The Family Court took note of the above facts and also of the fact that the petitioner has made a false statement in her application that the respondent has no dependents to reject the petitioner's application. Considering the pleadings of the parties, in my opinion there is no infirmity in the impugned order. It is obvious that the petitioner has some source of income, which she has withheld from the court. Hence, I find no merit in the petition. The petition is dismissed.

(Smt. R.P. SondurBaldota, J.)