

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13172 OF 2016

Manoj Ashok Bongir : Petitioner.
versus
Sou. Sanjivani @ Sheetal Bongir : Respondent.

Mr. Vikram Chavan for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 09th December 2016

P.C.

1 The order dated 23/06/2016 passed by the learned Judge, Family
Court No.4, Pune allowing the application being Exhibit 13 filed in Marriage
Petition being P.A. No.918 of 2015 is taken exception to by way of the above
Petition.

2 The application (Exhibit 13) filed by the Respondent wife for maintenance has been allowed to the extent of granting interim maintenance of Rs.25,000/- to the Respondent wife and her daughter from the date of application i.e. from 02/12/2015 till the decision of the main Petition. The Petitioner husband has also been directed to pay an amount of Rs.50,000/- to the Respondent wife towards security deposit for the flat which she proposes to take on leave and license basis as also Rs.15,000/- per month to the Respondent wife towards rent from the date of application i.e. from 02/12/2015 till the decision of main Petition. The deposit which is directed to

be paid is subject to the Respondent wife producing the agreement along with rent and security deposit receipts. The Petitioner is an Engineer and is working with City Corp Services India Ltd as Assistant Manager. The Petitioner has produced before the Family Court the salary slips for the months of October 2015, November 2015 and January 2016 where his salary is shown as ranging from Rs.64,645 to Rs.71,031/- in January 2016. It is the case of the Respondent wife that the Petitioner is also working with Big Logic Technologies as Part Time Trainer and earns Rs.3 lakhs per annum, as well as conducts online training and organizing social awareness programm of Pune Hadoop User Group and conduct social events and meet ups for Hadoop Social Awareness and Organizer of Big Data Meetup, Pune thereby he earns Rs.20,000/- per students per month. It is further the case of the Respondent wife that he has his own institute at Camp by name and style Big Logic Technologies and teaches engineering students and earns Rs.20,000/- per student per month and he has 12 to 15 students in his institute per year. The Respondent has produced the bio data of the Petitioner which is marked as Exhibit 16/1. The information contained in the said bio data was compared by the learned Judge of the Family Court with the case of the Respondent wife and on the said basis the learned Judge of the Family Court observed that the case of the Respondent wife is fortified by the said bio data. It has also come on record that the Petitioner owns an Harley Davidson motor bike and one Honda Twister motor bike in support of which the Respondent wife has

produced the record from the information provided by the Regional Transport Office, Pune. It is also the case of the Respondent wife that there are certain properties in the name of the Petitioner. However, she has not produced any material to show that the family is earning rent or otherwise from the said properties. In the light of the material produced by the Respondent wife, the learned Judge of the Family Court has observed that the Petitioner has suppressed his source of income and has not come before the Court with clean hands. The learned Judge of the Family Court has therefore approximately fixed the income of the Petitioner to be not less than Rs.One lakh per month and it is on the said basis that the interim maintenance of Rs.25,000/- to the Respondent wife and her daughter came to be granted. It has also come on record that both the Respondent wife and daughter require medical treatment, an amount of Rs.2,65,000/- was claimed for hospitalization of the minor daughter.

3 During the course of hearing of the above Petition, the learned counsel for the Petitioner husband would seek to rely upon the same salary slips to contend that the salary of the Petitioner is Rs.71031/- and therefore if the amount of Rs.40,000/- is to be paid to the Respondent wife, then hardly any amount would be remaining with the Petitioner.

4 In so far as the contention of the learned counsel for the petitioner

is concerned, as indicated above, the salary slips were produced before the Family Court. The learned Judge of the Family Court having regard to the said salary slips as also having regard to the case of the Respondent and also considering the fact of the Petitioner having additional income and considering his assets which includes a top of the line motor bike like Harley Davidson, deemed it appropriate to fix the interim maintenance of Rs.25,000/- and also directed the Petitioner to provide for the Respondent wife the rent and deposit so that she could rent out the premises wherein she could stay. The said material would, therefore, not aid the Petitioner to contend that the amount awarded as interim maintenance is exorbitant. In my view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]