

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

WRIT PETITION STAMP NO.26346 OF 2016

Chandan Gajanan Vibhute

..Petitioner

Versus

Amruta Chandan Vibhute

..Respondent

Mr. Ajay Basutkar for the Petitioner.

Mr. R. S. Alange for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 23rd NOVEMBER, 2016

PC.

1 The order dated 08.07.2016 passed by the Learned Principal Judge, Family Court, Solapur partly allowing the application Exh.16 filed for maintenance pendent-lite by the Respondent is taken exception to by way of the above Petition. The Petitioner and the Respondent were married sometime in the year 2009 but are estranged and are now living separately. The Petitioner husband has filed Petition for divorce being Petition No.A-2162 of 2013 in the Family Court at Bandra which pursuant to the orders passed by this Court has been transferred to the Family Court, Solapur. The Respondent wife has filed a Petition for restitution of conjugal rights being Petition No.A-06 of 2014. In the said Petition, the Respondent has filed the instant application Exh.16 for maintenance pendent-lite. It is the case of the Respondent that she does not have the

financial wherewithal to sustain herself, it is her case that the Petitioner is man of means and therefore he is required to be directed to pay the Respondent maintenance pending consideration of the Petition. The Learned Judge of the Family Court having regard to the material on record, especially having regard to the fact that the income of the Petitioner as also having regard to the fact that the Petitioner is owner of a vehicle has deemed it appropriate to fix the interim maintenance at Rs.10,000/- per month. The Learned Judge of the Family Court has observed that the Petitioner who was the Respondent in the said application made every effort to lower down his standard by trying to conceal the source of income or transfer the assets instead of making a reasonable offer to the Respondent herein.

2 It was the contention of the Learned Counsel for the Petitioner that the Respondent wife is well qualified and was earning Rs.50,000/- per month prior to the estrangement between the parties. It was therefore the submission of the Learned Counsel that the Trial Court has erred in granting interim maintenance of Rs.10,000/- per month.

3 In my view, it is not possible to accept the contentions urged by the Learned Counsel for the Petitioner in the light of the facts as aforestated as also having regard to the fact that a wife would not stop

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from earning merely because she can get some maintenance from the husband. In my view therefore the order passed by the Learned Judge of the Family Court holding the Respondent entitled to maintenance and fixing the maintenance at Rs.10,000/- per month calls for no interference at the hands of this Court in its writ jurisdiction. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]