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WP-7859-2016
& WP-12072-2015
Tuesday, 12.7.2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7859 OF 2016

Varsha Yadav

.....Petitioner

V/s.

Vishwajeet Roy

.....Respondent

ALONGWITH
WRIT PETITION NO. 12072 OF 2015
IN
M.J. PETITION NO. A-640 OF 2014

Vishwajeet Gauri Shankar Roy

.....Petitioner

V/s.

Mrs. Dr. Varsha Vishwajeet

.....Respondent

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Mr. Prakash Mahadik, Advocate for the petitioner in WP-7859-2016 and WP-12072-2015.

Mr. S.S. Sayyed, Advocate for the respondent in WP-7859-2016 and WP-12072-2015.

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

DATED :- 12TH JULY, 2016.

P.C. :-

1). This is a common order on the above petitions which challenge the same order i.e. the order dated 9th July, 2015 by which the Family Court disposed off applications at Exhibit-15 and

Exhibit-21. The first petition was filed by the wife and the second petition is filed by the husband. The parties will hereinafter be referred as “husband” and “wife”. By the impugned order, the Family Court has awarded monthly maintenance at the rate of Rs.10,000/- to the wife and Rs.8,000/- to the minor daughter from the date of the application i.e. 12th August, 2014 till disposal of the main application alongwith costs of Rs.10,000/-. The order also directs access to be given to the husband during vacations and on weekends and on birthday of the child. There is no grievance between the parties as regards the access.

2). The wife in her petition contends that, the interim maintenance of Rs.10,000/- awarded to her is meagre and not commensurate with the status of the husband who is supposed to be earning a sum of Rs.1,35,000/- per month. Admittedly, the wife is also working. According to her, she earns only Rs.35,000/- per month. However, the income-tax returns produced by her in the Court and the Statement of Accounts accompanying the income-tax returns indicate that the income of the wife is much more than what is stated. The statement of accounts shows that, yearly premium for four insurance policies paid by the wife is of Rs.2,06,243/-. Two out of the four policies are apparently taken in the year 2013 i.e. two years after the separation. The premium for these two policies is of Rs.1,24,807/-. The Family Court has, in terms, observed in the order that both the sides have not disclosed their correct income and the sources of their income. Thereafter, it has passed the order

of awarding quantum of maintenance as mentioned above. Considering the facts and circumstances of the case, in my opinion, there is no infirmity whatsoever in the impugned order. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)