

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 325 OF 2016

Mr. Anurag A. Trehan .. Petitioner
vs.
Mrs. Anuradha A. Trehan @
Anuradha Vasant Desai and ors. .. Respondents

Mr. Satyajeet P. Dighe for the Petitioner.
Mr. Abhijit Sarwate for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 15 JANUARY 2016.

P.C. :-

1] The challenge in this petition is to the order dated 22 September 2015, made by the Family Court, Pune, awarding interim maintenance of Rs.40,000/- to the Respondent-wife and two minor children.

2] Mr. Dighe, learned counsel for the Petitioner, has submitted that the Respondent-wife and the minor children are residing in Pune in an apartment jointly owned by the Petitioner and the Respondent-wife. This means that the Petitioner is deemed to have made arrangements for the residence of the Respondent and the minor children. This is an aspect which ought to have been considered by the Family Court, but the same has been totally ignored. He further submitted that the Petitioner on his own, had offered to meet the financial expenses towards the education of the children. Therefore, he submitted that the maintenance to the said extent ought to have been declined towards the children education. Finally, he submitted that the Respondent-wife, without any justification, left the matrimonial home by withdrawing an amount

of Rs.10,30,000/-, from out of the joint account and that is the circumstance which should have been taken into consideration, particularly, since the Respondent-wife has no income of her own since the year 2009.

3] Mr. Sarwate, learned counsel for the Respondents, has submitted that the Petitioner earns approximately Rs.30 Lacs per annum, which is evident from the appointment order at page 132 of the paper-book. He submits that the Respondent-wife is unable to stay with the Petitioner, because the Petitioner is in adulterous relation. He submits that from the year 2009, the Respondent-wife is unable to maintain herself. Therefore, there is no case made out to interfere with the impugned order.

4] Having heard the learned counsel for the parties and perused the record, in my judgment, there is no case made out to interfere with the impugned order. In the first place, by the impugned order, only interim maintenance has been determined. The impugned order records that the contention of the Petitioner that his net monthly income is Rs.1,37,402/- corresponding to Rs.16,48,824/- per annum. Considering that the two minor children also residing with the Respondents and the interim maintenance awarded is in respect of both the Respondent-wife as well as the minor children, it cannot be said that the same is excessive. In awarding interim maintenance, the Family Court has adverted to the relevant parameters, including the circumstance that the Respondent-wife and the children presently reside in Pune in the apartment, which may be jointly owned by the Petitioner and the Respondent-wife. There is no

jurisdictional error in making of the impugned order. Accordingly, no case is made to interfere with the impugned order.

5] It is however, clarified that at the stage of final determination of maintenance, the Family Court will not permit itself to be influenced by the observations made in the impugned order or for that matter the present order. The application for maintenance to be decided by the Family Court, on its own merits and in accordance with law.

6] With the aforesaid observations, this petition is dismissed. There shall, however, be no order as to costs.

(M. S. SONAK, J.)

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