

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6614 OF 2016
(Ravindra Shamrao Murkute Vs. Kanchan Ravindra Murkute)
WITH
CIVIL APPLICATION NO.10582 OF 2017

Mr.S.S.Thombre, Advocate for the petitioner.
Mr.M.K.Deshpande, Advocate for the respondent.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 12/12/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 02/05/2016 passed by the Family Court by which an amount of Rs.8,000/- p.m. has been granted to the respondent/wife by way of interim maintenance from 09/09/2015. It is stated that till November 2017, the petitioner owes Rs.2,08,000/- to the respondent/wife and has deposited Rs.40,000/- in this Court by order dated 28/06/2016, which has been withdrawn by the respondent.

2. The grievance of the petitioner is that since he has resigned from employment and his resignation has been accepted by his employer namely Dr.Reddy's Laboratories Limited, Hyderabad on 13/11/2015, he does not have any source of income. Though he is a

Doctor, he has not succeeded in acquiring any job after he has been relieved.

3. Mr.Thomnbre, learned Advocate has strenuously criticized the impugned order contending that the Family Court should have considered that the petitioner has quit his employment. Though his salary was @ Rs.50,000/- per month, since he has quit his job, he cannot pay the interim maintenance.

4. Learned Advocate for the respondent contends that there are several other sources of income for the petitioner/husband. His father receives retiral benefits and there is no other dependent, in the sense that, the petitioner is the only son of his father. They have joint family properties near Aurangabad which have been given on rent on a total sum of about Rs. 30,000/- per month. The petitioner has a plot at Naigaon, Mumbai and he gets a rent of Rs.20,000/- per month.

5. It is quite probable that since the wife is aware of the sources of income of her husband, she has specifically brought out the details recorded as above before the Family Court. Moreover, if the petitioner has resigned a lucrative job, it could only be on account of his volition.

6. Considering the above, I do not find that the Family Court has granted an exorbitant amount as interim maintenance.

7. As such, the impugned order cannot be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore dismissed.

8. Pending civil application filed by the wife, seeking directions to pay arrears of maintenance, would not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)