

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10702 OF 2017
SONRAJ SAKHARAM SATHE VERSUS
SUSHABAI @ SUSHILABAI SONRAJ SATHE

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Advocate for Petitioner : Shri Wagh P.K. h/f Shri Aghav Avinash D.
Advocate for Respondent : Kum. Sonawane Sunita
h/f Shri Jayabhar D.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 06, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 26.4.2017, by which, the trial Court has granted interim maintenance at the rate of Rs.5,000/- per month to the wife of the petitioner.
2. Learned counsel for the petitioner has strenuously criticized the impugned order and has taken me through the ten grounds formulated by him in the memo of the petition.
3. It is submitted that the interim maintenance granted is exorbitant and the petitioner cannot afford to pay the said maintenance amount. He is now a retired employee and is surviving on pension.
4. Learned Advocate for the respondent has defended the impugned order and submits that the petitioner has agricultural land besides earning his pension. He was an employee with the Corporation Bank. Without seeking a divorce from the respondent / first wife, he deserted her along with a child within about two and half years from the date of

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the marriage and quietly performed a second marriage. The purported second wife cannot be said to be the legally wedded wife of the petitioner.

5. I find from the record available that the petitioner was working as a Clerk with the Corporation Bank. The petitioner was said to be earning Rs.50,000/- per month while in service. The petitioner has withheld information about his gross earnings from the lower Court. Even in this proceeding, the petitioner has not disclosed what were his gross earnings and what is the amount of his pension. By suppressing material information, the petitioner cannot be permitted to starve his legally wedded wife. 7 Hectares and 3 Ares is the land said to be owned by the petitioner. Even on this count, he has not brought any material before the trial Court or this Court to indicate whether that size of the agricultural land was a joint family holding or not.

6. Considering the above, I do not find that the impugned interim order could be termed as being perverse or erroneous or likely to cause gross injustice to the petitioner.

7. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)