

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11408 OF 2017

AMAR RAMRAO PATIL
VERSUS
SUPRIYA AMAR PATIL

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Advocate for Petitioner : Smt. Shinde V.A. h/f Shri Surve H.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 11, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 25.4.2017, passed by the learned Principal Judge, Family Court, Aurangabad, thereby granting an interim maintenance of Rs.8,000/- per month from the date of the application.

2. The petitioner has strenuously criticized the impugned order and has drawn my attention to the ten grounds formulated in the memo of the petition.

3. Contention is that the respondent is working as an Assistant in the Shankar Nagar Cooperative Bank Limited, Nanded, Branch at Aurangabad. The petitioner is not aware about her gross monthly salary.

4. It is further contended that the petitioner works in the State Bank of India at it's Kranti Chowk Branch. His designation and scale of gross salary is not mentioned in the petition, though it is contended that he receives about Rs.37,439/- as net salary. Further grievance is that when the respondent is working and draws some salary, no maintenance should have been granted to the respondent. The amount of maintenance granted is exorbitant and deserves to be reduced.

5. After considering the submissions of the learned counsel for the petitioner and having gone through the petition paper book, I find that the petitioner has suppressed his gross income as well as his designation in employment with the State Bank of India. His mother works in B.S.N.L. The profession of his father is not mentioned / disclosed. There are no other liabilities out of the wedlock. It is stated that he pays a house loan installment of Rs.22,000/-, a car loan installment of Rs.7,000/- and a personal loan installment of Rs.2330/-.

6. I find that the trial Court has recorded in the impugned order that the petitioner has not disclosed his gross salary. Allegation by the respondent / wife is, on the basis of her knowledge, that the monthly gross salary of the petitioner is

Rs.60,000/-. It appears that she has made the said statement since she is the wife of the petitioner and appears to be aware of his gross monthly income. The petitioner could have produced his latest salary slip before the trial Court or even before this Court to indicate as to what is his designation and his gross salary. This would, therefore, amount to suppression of material information from this Court.

7. Notwithstanding the above, merely because the respondent works as an Assistant in a Cooperative Bank would not be a ground to deprive her of the interim maintenance.

8. Taking into account the above factors, I do not find that the interim maintenance granted by the Family Court could be termed as being exorbitant or likely to cause grave injustice to the petitioner.

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

(RAVINDRA V. GHUGE, J.)

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