

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9679 OF 2016

Prashant s/o Govindrao Patil,
age: 27 years, Occ: Temporary service,
R/o Raigad Nagar, Nanded. Petitioner

Versus

Sanjivani w/o Prashant Patil,
age: 22 years, Occ: Housewife,
R/o C/o Shyam Nivas,
Shyamrao Tidake Building,
Vasant Nagar, Nanded. Respondent

Mr.M.D.Narwade, advocate for the petitioner
Mr.M.V.Ghatge, advocate for the Respondent.

CORAM : S.B.SHUKRE, J.
DATE : 22nd FEBRUARY, 2017

PER COURT:

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 In this petition, order dated 14.07.2016, passed by the learned Judge, Family Court, is assailed on the ground that it does not properly consider income of the petitioner, which is about Rs.8000/- per month from his job as teacher; and the learned Judge has placed reliance on the 7/12 extract which clearly shows that the petitioner is not exclusive owner of those landed properties.

3 After hearing learned Counsel for the petitioner as well

as learned Counsel for the Respondent, I find that the conclusions are drawn, in the impugned order, on the basis of material available on record, although some guess work was done in reaching those conclusions. But in cases like this, some imagination and some guess work, based upon rule of prudence, is inevitable and this is a case where reasonable apprehension has been expressed that the petitioner has suppressed his real income from the Court.

4 The attending facts and circumstances show that the petitioner comes from a well to do family, family members of which, have earned good amount out of sale of some landed properties. The petitioner is a highly qualified person and Respondent No.2, though, possesses good qualification, petitioner could not show that the Respondent is earning any income for her livelihood. In these circumstances, reasonable expectation is that the petitioner maintains his wife in the same manner as he maintains himself. The learned Judge of the Family Court has considered all these facts and circumstances in proper perspective. There is no perversity in the impugned order.

5 In the result, Writ Petition deserves to be dismissed and same is accordingly dismissed. Rule discharged. No costs.

S.B.SHUKRE
JUDGE