

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12686 OF 2016

SHRINIVAS NARSAYYA GATLEWAR
VERSUS
BHUMIKA SHRINIVAS GATLEWAR

...
Advocate for Petitioner : Shri Kadam Gajanan G.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th January, 2017

Per Court:

1 I have heard Mr.Kadam, learned Advocate for the Petitioner, who has strenuously criticized the impugned order dated 03.09.2016 by which the learned Family Court has granted interim maintenance of Rs.5000/- each to his two children, namely, Ms.Shrawanti, who is a school going girl child and Master Devansh, who is about three years, from the date of the filing of the application dated 07.05.2016.

2 Shri Kadam submits that the Petitioner is a tailor by profession and is not able to earn sufficient money. His wife is employed and her gross salary is Rs.15,830/-. The Family Court failed to consider this aspect and has erroneously passed the impugned order. Had the aspect of earnings of the Respondent/ Wife been considered, the Family

Court would not have granted an exorbitant amount as interim maintenance.

3 I have considered the submissions of Shri Kadam and have gone through the petition paper book with his assistance.

4 I find that the Family Court has in fact considered the salary slip of the Respondent/ Wife and her earning in April, 2016 has been considered. Statutory deductions carried out have also been taken into account and the Family Court has come to the conclusion that the Respondent/ Wife receives Rs.7000/- after deductions as her monthly salary.

5 The Family Court has also considered that the son is toddler and the daughter is attending school. The visiting card of the Petitioner by name "Ganraj Enterprises" indicates that he has firms at Aurangabad, Nashik and Nanded. It was contended by the Wife that he is earning Rs.2 lac per month. The Petitioner/ Husband has failed to bring forward any document to indicate his actual earnings which, at a prima facie stage, tantamount to holding back information from the Court. It is in these circumstances that the Family Court has granted interim maintenance to the children and has not granted interim maintenance to the Wife who

earns Rs.7000/- each month.

6 Considering the above, I do not find that the impugned order can be termed as being perverse or erroneous. This Writ Petition being devoid of merit is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)