

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.856 OF 2017

Mr. Upen Babubhai Bhatt	: Applicant/Org. Petitioner
versus	
Mrs. Jyotika Upen Bhatt	: Respondent.

Ms. Pooja Saxena for the Petitioner.
Mr. Sameer Jagtap for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 22nd March 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 21/11/2016 passed by the learned Principal Judge, Family Court, Mumbai. By the said order the application for interim maintenance filed by the Respondent No.1 came to be partly allowed, inasmuch as the application for interim maintenance for the Respondent No.1 came to be rejected, however, the application in so far as the minor son is concerned, the same came to be allowed and the interim maintenance of Rs.10,000/- per month came to be granted on account of the minor son.

2 The Petitioner and the Respondent were married and at present are estranged. The Respondent wife filed the instant application for interim maintenance in the application filed under Section 24 of the Hindu Marriage Act, 1955. The Petitioner herein is working as a Deputy Manager with the

Great Eastern Shipping Co. Ltd. It seems that the Respondent Wife has also source of income. The interim maintenance sought by the Respondent wife has been rejected for the reasons mentioned in the impugned order. It is not necessary to go into the said aspect as the Respondent wife has not challenged the said order denying her interim maintenance. In so far as the minor son is concerned, he is presently studying in Thakur Vidya Mandir High School in the VIIth standard. It has come on record that the Petitioner husband is paying for his educational expenses. The Trial Court has taken the said fact into consideration and has thereafter deemed it appropriate to grant interim maintenance in the sum of Rs.10,000/- on account of the minor son.

3 In my view, having regard to the cost of living at present and the day to day expenses that are required to be incurred for a growing child, the amount of Rs.10,000/- granted by the Trial Court cannot be said to be excessive or exorbitant. It is well settled that the wife and children are entitled to the same standard of living as they were used to before the couple separated. In my view, therefore, interdiction of this Court in the impugned order is not called for. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]