

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5555 OF 2014

Komal-Kumar Ashok Kamble	..	Petitioner
vs.		
Sheetal Komal-Kumar Kamble	..	Respondent

Mr. Madhav Jamdar for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 07 DECEMBER 2017

P.C :

1] Heard Mr. Jamdar for the petitioner. The petitioner husband challenges the order dated 13th December 2013, by which, he has been directed to pay interim maintenance of Rs.3,000/- per month to the wife and the minor daughter Ahana.

2] Mr. Jamdar submits that in proceedings under the Protection of Women from Domestic Violence Act, 2005 (D.V. Act), there is already an order directing the petitioner to pay maintenance of Rs.7,000/- per month to the respondent wife and the two daughters. He submits that one of the daughters is admittedly now residing with the petitioner. He submits that this aspect has not been taken into consideration by the learned trial Judge in making the impugned order.

3] Mr. Jamdar further submits that there is material on record which indicates that the respondent wife is running a beauty parlour, from which, she has income of over Rs.50,000/- per month. This aspect has also not been considered by the learned trial Judge and therefore the impugned order warrants interference.

4] From the perusal of the record as well as the impugned order, it is clear that the learned trial Judge has taken into consideration the order made in the proceedings under the D.V. Act. It is upon taking this order into consideration that the learned trial Judge has determined interim maintenance for both the wife as well as the daughter Ahana at Rs.3,000/- per month in all. The learned trial Judge has also taken into consideration the circumstance that the petitioner has offered to pay the educational expenses in respect of the education of Ahana.

5] It is also not correct to say that the income of the respondent wife has been completely ignored by the learned trial Judge. If these were to be completely ignored, then the interim maintenance might have been much higher. The respondent wife has alleged that his income is approximately Rs.2,00,000/- per month. There is reference to ownership of luxury car and other circumstances in support of this contention. The petitioner, has not at all been candid

to the Court. The petitioner has admitted that he is working as Marketing Executive but he stated that his income is only Rs.7,500/- per month and he has to incur expenses of Rs.3,000/- per month by way of rentals.

6] Considering all such aspects, it cannot be said that there is any jurisdictional error in awarding interim maintenance of Rs.3,000/- to the wife as well as the daughter. There is nothing unreasonable in the award of such maintenance.

7] Accordingly, there is no case made out to interfere with the impugned order. This petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)