

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6615 OF 2017****Prakash Dinesh****..... Petitioner****VERSUS****Smt.Rahul Prashant****..... Respondent**

Mr.Nitin Gangal for the Petitioner.

Ms.Shruti Desai for the Respondent.

CORAM : R.D.DHANUKA, J.**DATE : 21st NOVEMBER, 2017****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 29th March, 2017 passed by the Family Court, Mumbai in Interim Application No.18 of 2015 in Petition No.A-2093 of 2014 granting maintenance to the respondent *pendente-lite* at the rate of Rs.25,000/- per month from the date of application i.e. 29th January, 2015 till the decision of the main petition and further amount of Rs.10,000/- towards litigation expenses.

2. I have heard learned counsel for the parties and I have perused the records. The mediation between the parties have failed. Both the parties have filed various proceedings against each other in various courts.

3. Family Court No.3 in the interim order has considered income tax returns of the petitioner for last several years while determining amount

of Rs.25,000/- per month.

4. Mr.Gangal, learned counsel for the petitioner submits that as of today, the petitioner is not carrying on with the medical practice and is a partner with his family members in a firm which is carrying on business. He submits that the order passed by the Family Court is harsh and unreasonable. It is submitted that the respondent is also capable of earning independent income.

5. Ms.Desai, learned counsel for the respondent on the other hand submits that various certificates of her educational qualification are in the custody of the petitioner and since he is not returning those certificates, the respondent is not able to start practice in the field of medicine. She submits that the impugned order passed by the Family Court is fair and unreasonable.

6. After perusal of the order passed by the Family Court and after perusal of the record, I do not find any infirmity in the order passed by the Family Court No.3. The order of maintenance of Rs.25,000/- is fair and reasonable and does not warrant any interference. Writ petition is accordingly dismissed. No order as to costs.

7. The petitioner is directed to clear the entire arrears to the respondent within three weeks from today without fail. Hearing before the Family Court is expedited.

(R.D.DHANUKA, J.)