

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

**FAMILY COURT APPEAL ST. NO. 17073 OF 2017
WITH
CIVIL APPLICATION NO. 157 OF 2017**

Mrs. Gurpreet Kaur Alagh.

..Appellant.

Vs.

Mr. Gurpreet Singh Alagh.

..Respondent.

Shri Anand Mishra i/b. Shri Ashok M. Saraogi, for the Appellant.

**CORAM : R. M. SAVANT &
SMT.SADHANA S. JADHAV, JJ
DATE : 18th JULY, 2017**

P.C.

1 By the above Family Court Appeal, exception is taken to the Order dated 24/4/2017 passed by the learned Principal Judge of the Family Court, Mumbai, by which order the Application for interim maintenance being Interim Application No. 118 of 2012 came to be rejected.

2 The Appellant herein was the proponent of the application claiming interim maintenance at the rate of Rs. 50,000/- per month. It was her case that till date, the Respondent husband has not paid a single penny to her towards her maintenance. It was her case that she is totally dependent upon her parents whereas the Respondent is earning Rs. 1,00,000/- per month

and also earning huge amount by doing films.

3 The Respondent husband filed reply to the said Application. In the said reply, it was accepted by him that during the period from 2005 to 2010, he was working with Balaji Films and thereafter he works as and when he gets an assignment. It was his case that on account of dispute between him and the Appellant, he is not getting work.

4 It seems that the proceedings were also filed under Section 125 of the Code of Criminal Procedure, 1973 in the Court of the learned Additional Chief Metropolitan Magistrate. In the said proceedings, it has come on record that the Appellant is working as an actress. It has also come on record that the Respondent was maintaining the parents of the Appellant who had come to reside in the flat owned by him in which the Appellant was residing, as also was expending the amount for other expenses including the expenses of the pet. The learned Principal Judge of the Family Court adverted to the fact that both the Appellant and the Respondent were actors working in films as well as television. The learned Principal Judge of the Family Court adverted to the cross-examination of the Appellant in C.C. No. 1363/SS/2013. In the said deposition, the Appellant has admitted that she was working as an actress and she goes by the name Kanishka Sodhi. She had admitted that she has been

working since the age of 20 years. The learned Principal Judge of the Family Court observed that in the light of the fact that no document of proof is produced either by the Appellant or the Respondent as regards the remuneration, they are receiving from working in films or television. It is only after evidence is led that it can be decided whether the Appellant is entitled to maintenance. The learned Principal Judge of the Family Court concluded that at the interim stage having regard to the fact that the Appellant was also working and able to work and maintain and sustain herself, she would not be entitled to the grant of maintenance.

5 In our view, having regard to the facts and circumstances, which have been relied upon by the learned Principal Judge of the Family Court, the impugned Order dated 24/4/2017 rejecting the Application for interim maintenance filed by the Appellant does not merit any interference in the Appellate jurisdiction of this Court. The Family Court Appeal is accordingly dismissed.

6 In view of the dismissal of the Family Court Appeal, the Civil Application does not survive. The Civil Application to accordingly stand disposed of as such.

7 Needless to state that the main Petition for maintenance shall be tried on its own merits and in accordance with law. Hearing of the same is expedited.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]