

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

WRIT PETITION NO. 12845 OF 2017

Mr.Aniket Subhash Sonwane

...Petitioner

Versus

Mrs.Poonam Aniket Sonawane

...Respondent

None present for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 06th DECEMBER 2017

P.C.

1. Neither the petitioner nor his advocate are present.
2. The challenge in this petition is to the order dated 18-05-2017, wherein the petitioner has been directed to pay interim maintenance of Rs.10,000/- to the respondent-wife.
3. The main ground urged by the petitioner is that he is suffering from mental disease and therefore, not earning any amount. It is further stated that information given by the petitioner to the effect that his annual income was Rs.6 lakhs and that he was BPCL dealer on the matrimonial website, relates to the year 2014-2015. He also stated that since the respondent has left the

matrimonial home on her own accord, she is not entitled to claim any maintenance.

4. From the perusal of the material on record, though it is true that there is some certificate produced with regard to the petitioner's mental ailment, it cannot be said that there are no grounds for award of interim maintenance to the respondent-wife.

5. The petitioner, at the matrimonial web-site, had indicated that he has his own business as BPCL dealer and his annual income was Rs.6 lakhs. There was also reference to the petitioner having assets such as house, bungalow, land and car etc. From the certificate produced on record, the learned Trial Judge has observed that the issue of mental illness is not something which cropped up only after marriage but it appears that the petitioner has been taking treatment, for last ten years. Taking all these aspects into consideration, including the circumstances that the respondent has no proper source of income, the learned Trial Judge, has awarded maintenance of Rs.10,000/- per month.

6. There is no jurisdictional error in the impugned order. The order, relates only to interim maintenance. The petitioner,

cannot claim inability to pay any maintenance at all to the respondent. Financial position of the petitioner, notwithstanding, his ailment does not appear to be of such nature, as to be unable to afford payment of interim maintenance at the rate of Rs.10,000/- per month.

7. Taking into consideration all such circumstances cumulatively, there is no case made out to interfere with the impugned order. The petition is therefore dismissed.

8. The reason why this petition is dismissed, is because there are several instances noted where parties file petitions but do not pursue the same with the diligence. Further, on the ground of such pendency, the orders for payment of interim maintenance or otherwise, are routinely disobeyed. Accordingly, record was perused and since, there was no merit found in the petition or no infirmity found in the impugned order, this petition is dismissed.

9. The petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)