

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

WRIT PETITION (ST) NO.19192 OF 2017

Shri. Pritam Suresh Bhujbal	...Petitioner
<i>Versus</i>	
Ashwini Pritam Bhujbal	...Respondent

Mr.Sarthak S Diwan for the Petitioner.

None present for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 06th DECEMBER 2017

P.C.

1. Heard Mr.Sarthak Diwan for the petitioner.
2. The challenge in this petition is to the order dated 09th February 2017, by which the learned Trial Judge has awarded interim maintenance of Rs.7,000/- to the respondent-wife and her 3 and ½ year old daughter.
3. Mr.Diwan submits that the petitioner's income is hardly Rs.15,868/- per month. Out of this, the petitioner is required to expend Rs.5,000/- towards rent and living expenses. He submits that this aspect has not at all been taken into consideration by the

learned Trial Judge. Mr.Diwan further submits that merely because some 7/12 extracts have been produced on record, that by itself, does not mean that the petitioner earns agricultural income. He submits that the petitioner not only take care of himself and also of his aged parents. Mr.Diwan submits that even the respondent is qualified and there are reasons to believe that she is earning income by working in a hospital. For all these reasons, Mr.Diwan submits that the impugned order may be set aside.

4. In this case, there is no dispute that the petitioner earns Rs.15,868/- per month by way of salary. There is absolutely no material on record to indicate that the respondent-wife is earning any income. Admittedly, the respondent-wife is staying separately along with 3 and ½ year old daughter. It is not even the case of the petitioner that he has provided for the residence of the respondent-wife and his daughter.

5. There is no material on record to suggest that the petitioner is required to take care of his aged parents. The 7/12 extracts *prima-facie* indicate that the petitioner or his family has agricultural properties. In these circumstances, inference that the petitioner must be earning some income from out of the agricultural

properties, is not some perverse inference. In any case, the circumstance is sufficient to suggest that the petitioner's parents are not dependent on the petitioner.

6. Taking into consideration the aforesaid circumstances cumulatively, it cannot be said that there is any jurisdictional error in awarding interim maintenance to the respondent-wife and her 3 and ½ year old daughter. There is no case made out to interfere with the impugned order. This petition is therefore dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)