

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12254 OF 2016**

Sanjay Vilas Wagh : Petitioner.
versus
Swati Sanjay Wagh and anr. : Respondents.

Mr. D D Rananware for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 23rd January 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 05/05/2016 passed by the learned 2nd Civil Judge, Senior Division, Satara by which order interim maintenance in the sum of Rs.6000/- per month was granted to the Respondents herein.

2 The Petitioner and the Respondent No.1 are estranged and it is the case of the Respondent that she was made to leave matrimonial house some time in June 2015 on account of the incidents which had taken place, which are mentioned in paragraph 6 of the instant Application (Exhibit 5). The Respondent it seems has filed a Petition for restitution of conjugal rights. The Respondent in the said Petition has filed an application for maintenance under Section 24 of the Hindu Marriage Act claiming maintenance for herself and her daughter. The Application is founded on the fact that the Petitioner does business in stationery, gifts and he has shops at two places i.e. Koregaon and Satara. It is the case of the Respondent that out of the said business, the

Petitioner earns about Rs.70,000/- to Rs.72,000/- per month. It is the case of the Respondent that the Petitioner's family has landed property and cash crops are grown up therein out of which the Petitioner's family is earning Rs.5,00,000/- per year approximately. The Respondent has therefore prayed for maintenance for herself and her younger daughter who is residing with her in the sum of Rs.20,000/- per month. In the said application the Respondent had filed an application for interim maintenance which was numbered as Exhibit 5.

3 The Petitioner has filed reply to the said application and has denied the case of the Respondent. It is denied that the Petitioner owns two stationery shows one at Koregaon and one at Satara. It is also denied that out of the agricultural lands the income is Rs.5,00,000/- per year.

4 The Trial Court considered the said application for interim maintenance and fixed the interim maintenance at Rs.6000/- per month for the Respondent No.1 and her daughter who is about 9 years of age. The Trial Court has taken into consideration the material produced on record by the Respondent which was the photograph of the external portion of the shop at Koregaon wherein the name board is shown as Nilesh General Stores and Gift Articles and the proprietor shown is one S V Wagh. Incidentally the Petitioner's initial and surname matches the name as appearing on the said name board.

5 In my view, having regard to the fact that the Respondent has to provide for herself and her daughter who is residing with her, the amount fixed at Rs.6000/- per month as interim maintenance cannot be said to be excessive or exorbitant in any manner considering the cost of living today. Hence no interference is called for with the impugned order. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]