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

WRIT PETITION NO.11719 OF 2016

Dinesh R. Arora

...Petitioner

Versus

Upinder Dinesh Arora

...Respondent

Mr.J.P.Kharge, for the Petitioner

Ms.Sandhya Mailagir i/b Mr.A.D.Joshi, for the Respondent.

CORAM : G.S.KULKARNI, J.

DATE : 22nd DECEMBER, 2017

P.C. :

1. Heard Mr.Kharge learned counsel for the petitioner and Ms.Mailagir, learned counsel for the respondent.

2. The petitioner is challenging in this petition order dated 20th July, 2016, whereby the petitioner-husband has been directed to pay a sum of Rs.10,000/- per month to the respondent-wife as maintenance pendent-lite and expenses of the proceeding. The learned trial Judge has recorded finding on the basis of evidence viz. salary slip, below Exhibit- 23 for April, 2016 showing the total salary of the petitioner as

Rs.76,758/- and after deduction to the tune of Rs.70,074/-, and thus has come to a conclusion that the petitioner is capable of providing maintenance to the respondent-wife. The learned trial Judge has also recorded a finding that the expenses which are being shown were exaggerated and not acceptable. It was held that considering the salary of the petitioner and even if expenses of the petitioner and of his mother for their livelihood, home loan, car loan EMI, society etc., medical expenses of the petitioner's mother, are taken into consideration, the petitioner will be in a position to provide a maintenance of Rs.10,000/- per month to the respondent-wife, though the prayer of the respondent is for a maintenance of Rs.35,000/- per month. It is held that considering the need of the respondent and the petitioner's income and the expenditure incurred by him, an amount of Rs.10,000/- per month would be reasonable and sufficient for the respondent to support herself and meet necessary expenses of the proceedings.

3. Mr.Kharge learned counsel for the petitioner assailing the impugned order has reiterated the submissions made before the learned trial Court. The submissions of the petitioner are basically submissions

to be made before the trial Court on the merits of the main dispute between the parties, which at this stage are not relevant.

4. Mr.Kharge submits that the respondent is well qualified to be employed. This submission cannot be accepted inasmuch as, merely having a qualification cannot guarantee employment, unless the petitioner is in a position to show that the respondent is actually employed and earning a salary, this submission cannot be accepted.

5. Considering the documents as placed on record and the impugned order, in my opinion, the amount of interim maintenance of Rs.10,000/- per month is not in any manner unreasonable and arbitrary. The petition being devoid of merits it is accordingly rejected. No costs. The petitioner is at liberty to apply for early hearing of the matrimonial petition.

G.S.KULKARNI, J.