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

WRIT PETITION NO.11304 OF 2017.

Shyam Ukhardu Sonawane ... **Petitioner.**

V/s.

Sou. Sadhana Sonawane ... **Respondent.**

Mr. Rushikesh G.Patil, for the Petitioner.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATED : 13th OCTOBER, 2017.

P.C.

1] Heard learned counsel for the petitioner.

2] By this petition, the petitioner husband is challenging the order dated 5th August, 2017, passed by the 2nd Civil Judge S.D. Kalyan in H.M.P. No.1024 of 2016 thereby allowing respondent's application for maintenance filed under Section 24 of the Hindu Marriage Act and directed the petitioner to pay interim maintenance at the rate of Rs.3,000/- per month from the date of application and further Rs.5,000/- towards expenses to the wife.

3] Learned counsel for the petitioner submits that the petitioner is working as Turner/Fitter on contract basis in Century Rayon Co.Ltd and the trial Court has held that as per Minimum Wages Act, a labour gets Rs.250/- per month, it means he is earning Rs.6,000/- to 7,000/- per month. Relying on these observations of the trial Court, submission is advanced that it is difficult for the petitioner to pay interim maintenance at the rate of Rs.3,000/-.

4] However, even a bare perusal of the observations of the trial Court, reveals that the trial Court has considered it as minimum income, but that is not the exact income of the petitioner. If the petitioner is working as skilled labour like Turner /Fitter in Century Rayon Company Ltd., then it follows that as a skilled labour, he must be getting more amount. It was for him to show his exact income by producing his salary slip. He has, however, failed to do so, thereby making it necessary to draw an adverse inference. Hence he has no right to contend that the interim maintenance awarded by the trial Court that too only at the rate of Rs.3000/- per month is in any way exorbitant or beyond his capacity. As a matter of fact, having regard to the amount which is required to satisfy the bare necessities of life, it may be far more than Rs.3,000/- per month.

Therefore, looking into the facts of the case, no interference is at all warranted in the impugned order of the trial Court. Hence writ petition stands dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.)