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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3584 OF 2016**

Neelesh Radheshyam Gupta

... Petitioner

vs.

The State of Maharashtra & Ors.

... Respondents

Mr. Ajay Kumar Singh for the Petitioner.

Ms. N. S. Jain, APP, for the Respondent-State.

Ms. Anita Wakchure for Respondent no.2.

CORAM : A.K. MENON, J.

DATE : 2nd AUGUST, 2017

P.C.

1. Heard. Rule.
2. The limited challenge in this writ petition is to the order dated 25th July, 2016 whereby the appeal filed by the respondent no.1 wife was allowed and the respondent no.1 therein namely the petitioner herein was directed to pay Rs.25,000/- p.m. as maintenance. Both counsel agreed that an order dated 3rd September, 2014 came to be passed in Misc. Application no.58 of 2013 by the JMFC, Vashi, New Mumbai, by way of interim maintenance.
3. The impugned order is assailed on the basis of that Sessions Court relied upon a statement of respondent no.1 wife that the petitioner was employed by Mahindra Finance Limited and was drawing salary Rs.1,18,000/- in the year 2014. However, she was unable to produce a copy of the salary certificate. The Sessions Court proceeded on the basis that the amount of salary has not been denied by the respondent no.1.

4. Today, it is the case of the petitioner that he is not employed with Mahindra Finance Limited but with Aditya Birla Insurance Brokers Limited. He has produced salary slips for the month of May and June 2017 which indicates that he is receiving net salary of Rs.88,709/- after deduction of tax at source, P.F. contribution, profession tax and GMC Topup premium and medical insurance. The gross earnings are reportedly Rs.1,13,686/-. Vide order dated 4th April, 2016 the parties were referred to Mediation. However, the Mediation has failed that is how the matter has been moved before this Court.
5. Having heard the learned counsel for the parties, both counsel having stated that it is not possible to arrive at any amicable settlement on the basis of the salary certificate tendered today and which is accepted by the learned counsel for the respondent no.2 as correct. Considering the current salary of the petitioner, it would be appropriate that the impugned order be modified pending the disposal of the main application. In the circumstances, I pass the following order:-
- (i) The amount of monthly maintenance to be paid by the petitioner to the respondent no.1 shall be reduced to Rs.20,000/- p.m. with effect from 25th July, 2016.
 - (ii) Rule is made absolute on the above terms.
 - (iii) Writ petition is disposed of.

(A. K. MENON, J.)