

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2087 OF 2017

Pravin @ Sinharam Bapu Shinde	..	Petitioner
vs.		
Shriddha Pravin @ Sinharam Shinde	..	Respondent

Mr. Vijay Killedar for Petitioner.
Mr. A. D. Sale for Respondent.

CORAM : M. S. SONAK, J.
DATE: 07 DECEMBER 2017

P.C :

1] Heard Mr. Killedar for the petitioner and Mr. Sale for the respondent.

2] The petitioner husband challenges the order dated 27th October 2015, by which, the trial Court has awarded maintenance of Rs.4,000/- per month to the respondent wife pending the petitioner's petition seeking restitution of conjugal rights.

3] Mr. Killedar, learned counsel for the petitioner submits that there is absolutely no reason for award of any maintenance. He points out that the petitioner has not driven away the respondent from matrimonial home and he has written instructions from the petitioner to the effect that the petitioner is ready and willing to take the respondent back to the matrimonial home. He points out that in connected proceedings, the parents of the respondent have admitted that they were aware of the petitioner's previous marriage and therefore, the statement in the connected proceedings by the respondent wife that she was not aware of the petitioner's previous

marriage is patently false. Mr. Killedar submits that the respondent is a doctor and therefore, requires no maintenance. For these reasons, Mr. Killedar submits that the impugned order may be set aside.

4] Mr. Sale, learned counsel for the respondent points out that the respondent is only a Final Year BHMS student and has no income of her own. He points out that Rs.8,000/- had been applied for as maintenance but the trial Court, has awarded only Rs.4,000/-. He points out that the petitioner has substantial income not only from his business but also from rentals of rooms in the bungalow.

5] Mr. Killedar disputes the statement of the respondent and states that the respondent has made false allegations and submits that in any case, all these issues are not quite relevant for the purpose of deciding the issue of interim maintenance.

6] Upon due consideration of the rival contentions and after perusing the material on record, I see no reason to interfere with the impugned order.

7] There is no serious dispute as regards the financial position of the petitioner. There is also no material on record to suggest that the respondent has any income of her own for the present. This is a case where the petitioner has applied for restitution of conjugal rights. There are allegations and counter allegations, the determination of which will have to await the trial. The trial Court, has applied the correct parameters and there is no perversity in the reasoning or in the findings recorded. The maintenance amount awarded is also not too excessive. In case, the petitioner, obtains

any information and proof as regards the respondent earning any amounts, it is always open to the petitioner to apply for variation. However, for the present, there is no case made out to interfere with the impugned order.

8] Accordingly, this petition is dismissed. There shall be no order as to costs.

9] The amount deposited by the petitioner in this Court can be withdrawn by the respondent unconditionally. The Registry can issue necessary cheque in the name of Shridha Vitthal Satpute , which is the maiden name of the respondent, since, it is stated that the respondent has no bank account in the name of Shridha Shinde.

10] The trial Court is requested to dispose of the proceedings for restitution of conjugal rights instituted by the petitioner as expeditiously as possible.

(M. S. SONAK, J.)