

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.9441 OF 2018  
(Mukesh s/o Sukhdev Kamble Vs. Rupali w/o Mukesh Kamble)

Mr.G.S.Dahale, Advocate for the petitioner.

( CORAM : Ravindra V.Ghuge, J.)  
DATE : 22/10/2018

PER COURT :

1. The petitioner/husband is aggrieved by the order dated 23/05/2018 passed by the Family Court by which monthly maintenance @ Rs. 2,500/- has been granted to the wife and to the minor son, each, till disposal of the main petition.

2. Learned Advocate for the petitioner has contended that the petitioner has no source of income, he is shown to be a labourer in the cause title of the petition and he cannot afford to pay Rs.5,000/- to the wife and the son. It is further stated that the wife has deserted the petitioner and does not desire to live with him.

3. I find from the pleadings set out in the memo of the writ petition that the petitioner has simply declared himself to be a labourer and has suppressed his amount of income. Before the Family Court, it has come on record that the petitioner has his own

printing press by name Creative Art at Moti Karanja, Aurangabad. He earns about Rs.30,000/- to 35,000/- per month. He has two flats at Kalyan and Mumbai and receives enormous rent. The mother of the petitioner is a retired Staff Nurse and the father is a retired Supdt. of Income Tax. They have large pension and they have also rented their own house at Samta Nagar, Aurangabad and the family lives in their another bungalow at Pethe Nagar, Aurangabad. They have irrigated agricultural land admeasuring 10 acres at village Zuri, Tal and Dist. Buldhana and the annual agricultural earnings are about Rs.15,00,000/- to 16,00,000/-.

4. Considering the above aspects and keeping in view that the wife who has lived with a husband for a few years and knows his income and his properties and since the husband has tried to suppress all these aspects, I do not find that the grant of monthly maintenance of Rs.5,000/- together for the wife and the minor child born out of the wedlock, could be termed as being a perverse or erroneous order.

5. This petition, being devoid of merit, is therefore, dismissed.

( Ravindra V.Ghuge, J.)