

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13945 OF 2017
(Anand Milind Magare Vs. Chitra w/o Anand Magare)

Mr.P.V.Suryawanshi, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 11/12/2018

PER COURT :

1. The petitioner/husband is aggrieved by the order dated 31/10/2017 passed by the Family Court, by which he is directed to pay Rs.2,000/- per month to his wife and Rs.3,000/- per month for the minor daughter by way of interim maintenance. Contention is that the amount is exorbitant, the petitioner is unemployed and has no source of income. It is denied that he was employed with a private industry.

2. I have considered the submissions of the learned Advocate for the petitioner and have gone through the petition paper book with his assistance. It appears from the record that the petitioner has taken a stand that he never had any employment. The wife claims that she was aware of his employment in a private industry. Details of such employment have not been brought on record though it appears that the respondent married the petitioner after considering that he was

in employment. A freshly opened bank account was pointed out by the petitioner before the Family Court and the bank statement was produced to indicate that the petitioner has no money maintained in the said account. The Family Court concluded that the said account appears to be such an account which did not contain any bank transaction and therefore it was not a regular account. The petitioner is an able bodied person, aged about 26 years and capable of taking up employment or work, if it is presumed that he is unemployed.

3. The impugned order is an interlocutory order. A paltry amount of Rs.2,000/- is granted to the wife and an amount of Rs.3,000/- is granted to the minor daughter. The petitioner submits that he has deposited Rs.30,000/- towards payment of maintenance amount.

4. In my view, merely because a second view could be possible would not mean that an interference is warranted. Since a paltry amount has been granted by the Family Court, I do not find any reason to entertain this petition.

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

(Ravindra V.Ghuge, J.)