

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 69 OF 2018

IN

FAMILY COURT APPEAL NO. 56 OF 2018

Priya A. Gonel

..Applicant

Vs.

Atul A. Gonel

..Respondent

Mr. Siddheshwar N. Biradar I/b Sangita S. Survase, for the Applicant.

Ms. Aruna Koli I/b R. S. Pachundkar, for the Respondent.

CORAM:-K. K. TATED & B. P. COLABAWALLA,JJ.

DATE :- JULY 19, 2018.

P. C.:

This Civil Application is filed by the wife praying for interim maintenance of Rs. 15,000/- p.m. for herself and Rs. 10,000/- p.m. each for her two sons. In addition she is seeking Rs.8,000/- p.m. towards rent.

2 It is the case of the Applicant that the Respondent is running a business of a Gym Trainer and he has 3 to 4 fitness clubs in the various parts of the Pune city. According to the Applicant, the Respondent husband has opened a new fitness club at Phulenagar, Pune and out of the said business, the Respondent earns more than

Rs.40,000/- p.m. It is then stated that apart from the aforesaid fitness club business, the Respondent husband is also associated with Harbalife Nutrition, a global nutrition company. The Respondent husband takes part in various Body Building Shows and film shooting and from all this business he earns approximately Rs. 25,000/- p.m. The Applicant has also filed a compilation of documents wherein it is categorically stated by the Respondent husband that thanks to Harbalife, his last month's income was Rs. 93,000/-. This statement has been made on social media by the Respondent husband as late as on 6th January, 2018.

3 Relying upon all this, the Applicant wife has stated that the Respondent husband has sufficient income but he is refusing to pay the maintenance of the wife and his two sons and it is for this reason that the present application has been filed.

4 When we asked the learned counsel appearing on behalf of the Respondent husband about an explanation with reference to his client's statement on social media that his income was Rs. 93,000/-, it was told to us that this was a false statement made on social media only for the purpose of garnering business. We find this submission to be shocking. This only means that the Respondent husband has

deliberately misled the public and is spreading fake news on social media.

5 Considering the submissions made on behalf of the Respondent husband, we direct that the copy of this order along with the Civil Application with all papers and proceedings be forwarded by the Registry of this Court to the concerned Police Station, Pune where the Respondent resides as shown in the cause title of the Civil Application for taking further action against the Respondent husband. Over and above this, liberty is granted to the Applicant to forward a copy of this order along with the necessary documents to enable the police authorities to take further action against the Respondent husband for making a false statement and misleading the public as recorded earlier. After investigation, the police authorities are directed to submit a report to this court within three months from the date of the communication of this order to enable us to see what further action has been taken against the Respondent husband.

6 As far as the Civil Application for maintenance is concerned, nothing has been produced before us by the Respondent husband to show what his actual income really is. Considering all that has been

posted by the Respondent husband on social media and which has been produced by the Appellant wife, we have no hesitation in coming to the conclusion that the Respondent husband is deliberately not wanting to maintain his wife and his two sons even though he is in a position to do so.

7 In these circumstances, the following order is passed:-

a) Civil Application is allowed in terms of prayer clauses (a), (b) and (c) which read thus:-

- “a):Direct Respondent to pay interim maintenance of Rs. 15,000/- per month to the Applicant in the interest of justice.*
- b): Direct Respondent to pay interim maintenance of Rs. 10,000/- per month to each Son in the interest of justice.*
- c): Direct Respondent to pay interim maintenance of Rs. 8,000/- per month towards house rent for Applicant and two Sons in the interest of justice.”*

8 List the Family Court Appeal No. 56 of 2018 for directions on 21st November, 2018 before this Court to peruse the Police report.

9 All parties are directed to act on an authenticated copy of this order.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)