

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12728 OF 2018

Tejas Ravindra Gaikwad

...Petitioner

vs.

Tejaswini Tejas Gaikwad

...Respondent

Mr. Nitin Deshpande, for the Petitioner
None for the Respondent.

CORAM : M. S. SONAK, J.

DATE : NOVEMBER 22, 2018

P.C.:

. Heard Mr. Nitin Deshpande, learned counsel for the
Petitioner.

2. The challenge in this Petition is to the order dated 12th
February, 2018 by which the learned Family Court has awarded
the interim maintenance of Rs. 7,000/- p.m. to the Respondent-
wife.

3. Mr. Deshpande submits that in the present case there
is no dispute whatsoever that the Respondent is employed and
earning substantial salary. He points out that even the Family
Court has accepted that the Respondent is earning salary of
around Rs. 15,786/- p.m. He submits that the Petitioner is
earning the salary of approximately Rs. 40,000/- p.m. He submits

that since there are no issues, it is not at all a fit case to award of any interim compensation in favour of the Respondent-wife. He submits that this aspect has not been considered in the impugned order which warrants interference.

4. Upon taking into consideration, the submissions made by Mr. Deshpande, learned counsel for the Petitioner and on perusing the impugned order, this does not appear to be a fit case to warrant interference. This is particularly because the learned Family Court has only awarded the interim maintenance by the impugned order.

5. The learned Family Court has noted that the Petitioner's average pay comes to Rs. 57,000/- p.m. and the Respondent's average pay is approximately Rs. 15,000/- p.m. Therefore, going by the premise that Respondent should have maintenance of at least 1/3 of the Petitioner's income, the learned Family Court has awarded the interim maintenance of Rs. 7,000/- p.m. Since this is only the interim award of maintenance, it is not necessary to interfere with the same in the exercise of extraordinary jurisdiction.

6. Nevertheless it is to be clarified that the learned Family Court need not be influenced by any of the observations made in the impugned order or in that matter in the present order, at the

stage of determination of final maintenance amount. Such final maintenance amount will have to be determined on the basis of material and evidence which will be placed by the parties in the proceeding and in accordance with law.

7. With the aforesaid clarification, the present Petition is disposed of. However, there shall be no order as to costs.

(M. S. SONAK, J.)