

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 660 OF 2015

Rakeshkumar Bhanalal Solanki

...Petitioner

vs.

Harsha Solanki

...Respondent

Rakeshkumar Bhanalal Solanki-Party in person/petitioner present.

Ms.Rupali Naik & Rakesh Pathak, for the Respondent.

CORAM : G.S.KULKARNI, J.***DATE : 1 February 2018*****P.C. :**

1. Heard the petitioner in person and the learned Counsel for the respondent. The petition impugns the order dated 13 May 2014 passed by the learned Judge of the Family Court at Bombay whereby recording detail reasons, an amount of Rs.7500/- per month has been awarded as maintenance to the respondent-wife. It is observed that the respondent has no source of income. The impugned order at no point of time was stayed by this Court. It is informed that certain interim deposits were made and the amounts therein were permitted to be withdrawn by the respondent. The order has thus remained in operation for almost more than three and half years. Learned Counsel

for the respondent informs that the petitioner is in arrears of Rs.2,32,500/-.

2. The only contention as urged on behalf of the petitioner is that the respondent is working in the concern of her father and is earning some income and that this needs to be considered so as to modify the interim order and to reduce or modify the maintenance which was awarded. The contentions are opposed on behalf of the respondent.

3. Considering the nature of the arguments, the same cannot be a subject matter of original inquiry and appreciation of evidence before this Court on such contention being raised in this petition. It is always open to the petitioner to seek modification of the impugned order by approaching the family Court, if the petitioner has some further better material/evidence or particulars in regard to any income being earned by the respondent. Petitioner in that event can approach the family Court by an appropriate application making proper prayers and seek modification of the impugned order or any other appropriate reliefs. Thus, this petition does not warrant any consideration. In any event, the impugned order has remained in operation for almost three and half years as noted above.

4. The petition is accordingly disposed of with a liberty to the petitioner to approach the family Court, to enable the petitioner if he so intends to seek modification of the said order as noted above.

5. In view of disposal of the Writ Petition, Civil Application No.543 of 2016 does not survive, it is accordingly disposed of, however keeping all the contentions of the petitioner open to be urged before the family Court.

6. The parties are at liberty to approach the family Court with a request to expedite the hearing of the principal proceedings. If such a request is made, it be considered on its own merit.

(G.S.KULKARNI, J.)