

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2216 OF 2016

AMIT KAMLAKAR CHAVAN
VERSUS
AMRUTA AMIT CHAVAN

...

Advocate for the Petitioner : Shri Chavan Sudhir K.
Advocate for the Respondent : Smt.Reddy Ranjana D.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd May, 2019

Per Court:

1 The petitioner/ husband is aggrieved by the order dated 03.02.2016 passed by the Family Court at Aurangabad in HMP No.802/2015, vide which, the application Exhibit 10 has been allowed with effect from 01.07.2015 and the respondent/ wife is granted interim maintenance at the rate of Rs.15,000/- per month.

2 I have heard the learned advocates for the respective sides and with their assistance, I have gone through the petition paper book and perused the record.

3 The wife had come with a case that the husband is drawing salary of Rs.70,000/- per month, having been employed in a software company. The husband denied this fact. However, the husband did not

place on record any document and especially the salary certificate or salary slip of the preceding the month of the filing of the application, to indicate to the Family Court as to what are his actual earnings. Needless to state, the husband has played hide and seek with the court, as a consequence of which, the Family Court has drawn an adverse inference and has granted the application vide the impugned order.

4 The husband opposed the application Exhibit 10 by contending that the wife was a salaried teacher and was drawing Rs.25,000/- per month. This was denied by the wife. It is, however, conceded before this Court that the wife has acquired her employment in a school at Nanded in April, 2017 and has been drawing a consolidated salary package of Rs.22,000/- per month. The learned advocate for the husband submits that his mother and father are living separately.

5 It has, however, come on record that the father of the husband is a pensioner and the husband has no other liability. The conclusions drawn by the Family Court in the impugned order are all at an interim stage since Exhibit 10 was filed for seeking interim maintenance.

6 Considering the above and since the wife has borne the expenditure for the education of her son in a reputed school at Nanded, without any sharing of expenses by the husband, coupled with the fact that the Family Court has granted Rs.15,000/- as interim maintenance, I deem it appropriate to partly allow this petition.

8 In the light of the above, this Writ Petition is partly allowed.

The impugned order dated 03.02.2016 stands modified as under :-

- (a) The petitioner/ husband shall pay arrears of interim maintenance at the rate of Rs.15,000/- per month as granted by the Family Court, from 01.07.2015 upto 31.03.2017.
- (b) Since the respondent/ wife has acquired employment in April, 2017, the husband shall pay interim maintenance at the rate of Rs.8000/- per month from 01.04.2017 and shall continue to pay such maintenance until the proceeding before the Family Court is concluded or till the employment of the wife lasts, whichever is earlier.
- (c) In the event, the wife unfortunately loses her job, she would be at liberty to move the Family Court for restoring the interim maintenance to Rs.15,000/-.
- (d) All arrears of interim maintenance to be paid by the husband, in view of the above directions, shall be cleared by depositing the same before the Family Court, on or before 15.06.2019, failing which, the Family Court shall draw an adverse inference while considering the proceeding. Needless to state, the husband is at liberty to deposit the said amount in installments on or before 15.06.2019.
- (e) It is made clear that the observations in the impugned order

as well as in this order shall be construed to be made at an interim stage and the Family Court shall decide the proceedings and all allied issues emerging from the same, on their own merits.

kps

(RAVINDRA V. GHUGE, J.)