

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15512 OF 2019

Ajinath S/o Raosaheb Raut

Petitioner

Versus

Geeta w/o Ajinath Raut

Respondent

Mr. Shaikh Asraf Patel, Advocate for the petitioner.

CORAM : Ravindra V.Ghuge, J.

DATE : 19th December, 2019.

PER COURT :

1. The petitioner-husband is aggrieved by the order dated 01.07.2019 passed by the learned Family Court, Ahmednagar, vide which, application Exhibit-5 filed by the wife seeking interim maintenance in Petition A No. 211/2018, has been partly allowed and the petitioner is directed to pay Rs. 10,000/- per month to the respondent-wife as maintenance.

2. The learned Advocate for the petitioner has strenuously criticised the impugned order. He submits that the wife conducts tuition classes and thus, she can feed herself. The petitioner is a

primary teacher in a school. His salary is Rs. 40,000/- per month. It is, therefore, submitted that the impugned order deserves to be modified.

3. After considering the submissions of the learned Advocate for the petitioner, I have gone through the judgment delivered by the Hon'ble Apex Court in the matter of Kalyan Dey Chowdhury vs. Rita Dey Chowdhury Nee Nandy, (2017) 14 Supreme Court Cases 200, wherein the Hon'ble Apex Court has ruled that the dignity and the life style of the wife is to be protected and for which, 25% of the earnings of the husband should be paid as maintenance.

4. There is no dispute that the salary of the petitioner as on date is more than Rs. 50,000/-. Even before the trial Court, it was admitted that he was drawing Rs. 40,000/- per month. His salary certificate for March 2019 indicates that he earns a gross amount of Rs. 61,403/- and his net pay after deductions is Rs. 56,939/-.

5. Considering the above and the law laid down in the matter of Kalyan Dey Chowdhury (Supra), I do not find that the impugned order could be termed as being perverse or erroneous as

the amount granted is less than 25% of the gross earnings of the petitioner. This petition is, therefore, dismissed.

Ravindra V.Ghuge
Judge

dyb