

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5318 OF 2019**

Rani Rajesh DarekarPetitioner.
Vs.
Rajesh Eknath DarekarRespondent.

Mr. Vishal Patil for the Petitioner.
None for the Respondent.

CORAM : A. S. GADKARI, J.
DATE : 11th NOVEMBER, 2019.

P.C.:-

By the present Petition, under Article 227 of the Constitution of India, the Petitioner-wife has impugned interlocutory Order dated 26th November, 2018 passed under Section 24 of the Hindu Marriage Act, 1955 (for short, "*the said Act*") awarding her interim maintenance of Rs.3,000/- per month and Rs.2,000/- to her son from the date of passing of the impugned Order.

2 Heard the learned counsel for the Petitioner. Perused the record annexed to the Petition.

3 The record indicates that, the Respondent-Husband has instituted P.A. No. 411 of 2017 in the Family Court No. 5, Pune for divorce under Section 13(1)(i-1a) of the said Act.

In the said proceedings, the Petitioner-wife had filed an

Application below Exhibit 11 under Section 24 of the said Act for grant of interim maintenance of Rs.20,000/- per month for herself and for her son-Atharva. The Trial Court, by its impugned Order has granted maintenance of Rs.3,000/- to the Petitioner and Rs.2,000/- to her son Atharva from the date of passing of the impugned Order, as noted earlier.

4 The Trial Court in the impugned Order, has observed that the Petitioner-wife has suppressed her financial status and related material facts from the Court. The Respondent has filed reply below Exhibit 22, stating that the Petitioner is working with Arohi Enterprises at Sortapwadi, Taluka Haveli, District Pune and her earning is Rs.15,000/- p.m. The Trial Court has taken into consideration the fact that, after effecting necessary legal deductions from the salary of the Respondent, the Respondent gets approximately Rs.25,000/- per month, as net salary. After taking into consideration the deductions and net salary, the Trial Court has awarded the said interim maintenance.

5 Perusal of the impugned order would indicate that, the findings recorded by the Trial Court are well within the conformity of settled principles of law. Apart from the said fact, it *prima facie*

appears that, the Petitioner did not approach the Trial Court with clean hands and has suppressed material facts from it.

6 In view of the above, this Court is of the considered view that, the impugned Order does not require interference by this Court in its jurisdiction under Article 227 of the Constitution of India.

I find no merits in the Petition and is accordingly dismissed *in limine*.

(A.S. GADKARI, J.)