

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 96 OF 2019
WITH
CIVIL APPLICATION NO. 137 OF 2019

Santosh Vasantrao Lokhande .. Appellant

Versus

Deepali Santosh Lokhande & Anr. .. Respondents

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• Mr. Abhijeet Kandarkar for the Appellant
.....

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : AUGUST 2, 2019.

P.C.:

1. This appeal is filed by the original petitioner of Family Court petition. The Family Court petition was filed by the husband seeking dissolution of marriage between himself and the respondent. By the impugned judgment and decree, the Family Court allowed the husband's petition, granted dissolution of marriage but awarded maintenance @ Rs. 30,000/- per month to the wife and Rs. 20,000/- per month for the minor son. The husband, thus, has to pay aggregate maintenance of Rs. 50,000/- per month to the wife and child. He has, therefore, challenged that part of the judgment and

decree of the Family Court. His main prayer is that the maintenance amount be reduced.

2. Learned counsel for the appellant has taken us extensively through a detailed judgment of the Family Court which discusses at length not only on the aspect of dissolution of marriage but also maintenance that the wife and the child had to receive in case the divorce is dissolved. The material on record would suggest that the husband has substantial means of income. The wife on the other hand has no source of independent income. The husband was, therefore, duty bound to maintain his wife and minor child even after divorce. The Family Court in the context of the husband's income, his savings and potential earnings noted that he was president of Rotary Club during the year 2015-16. That the bank statement of his account in State Bank of India showed that as on 13.2.2014, there was balance of Rs. 33,89,544/-. In December 2013, such account had balance of Rs. 34,61,953/- In August 2013, the balance showed was Rs. 34,89,435/- The document Exh. 273 showed that the petitioner was offered a job in Infosys Limited for salary of

Rs. 2,30,199/- per month. Even while he was in USA, he had sizable balance. The Court noted that the average balance in his bank account was \$43,974.64 as on June 2008. His annual salary showed was close to \$100,000 in the year 2006. The Court noted that the documents suggested that in the year 2018-19, his gross salary was Rs. 26,41,783/- which came to close Rs. 2,20,000/- per month. He had also acquired a house property. Even in the year 2010, the monthly income was in excess of Rs. 1,50,000/-.

3. There was, thus, reliable documentary evidence establishing that the appellant had sizable regular income. He was an IT professional previously employed in USA. Even after he returned to India, he was drawing handsome salary. On the other hand, it is not the case of the applicant that the wife was gainfully employed. He thus had responsibility to provide for maintenance of his wife and least of it, his minor son who is presently stated to be 11 years of age. The computation of the maintenance of Rs. 50,000/- per month comprising of Rs. 30,000/- to the wife and Rs. 20,000/- to the son, therefore, by no means can be stated to be excessive.

No case for reducing the maintenance is made out. The Family Court Appeal is dismissed. In view thereof, the Civil Application is also disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]