

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

11 WRIT PETITION NO.1393 OF 2020

ABHILASH DILIP SURYAWANSHI
VERSUS
SADHNA ABHILASH SURYAWANSHI

...
Advocate for Petitioner : Mr. Harshal Prakash Randhir
...

**CORAM : ROHIT B. DEO, J.
DATED : 12th FEBRUARY, 2020.**

PER COURT:-

. Heard.

2. The petitioner is the respondent in A Petition 237 of 2019 (old H.M.P. 593 of 2018) preferred by the respondent-wife seeking decree of restitution of conjugal rights.

3. The parties shall be referred by their status in the Trial Court.

4. The respondent-wife preferred an application under Section 24 of Hindu Marriage Act, 1955, seeking interim maintenance. By order impugned dated 22.07.2019, the Trial Court has directed the husband to pay monthly maintenance of Rs.10,000/- to the wife. It is this order which is assailed by the husband, who contends that while the entitlement to maintenance is not questioned, the quantum

awarded is harsh and irrational.

5. The learned counsel for the husband would contend that the salary of the husband is Rs.33,364/- and if the deductions are considered, the take home salary is Rs.26,271/-.

6. Scrutiny of the pleadings and the order impugned reveals that other than the take home salary of the husband, who is working in the police department, the wife contended that the husband is receiving rental income and income from ancestral agricultural land. This averment is not rebutted, and has gone unchallenged.

7. The wife is pregnant. In this view of the matter, the quantum of maintenance cannot be termed as disproportionate or irrational. The reliance placed by the learned counsel for the petitioner on the decision of the Hon'ble Supreme Court in Bhushan Kumar Meen Vs. Mansi Meen alias Harpreet Kaur, (2010) 15 SCC 372, is clearly misplaced. The decision was rendered in the peculiar facts of the case which were that although the gross salary was Rs.34,900/-, admittedly Rs.21,329/- was recovered as home loan installment and take home salary was hardly Rs.9,000/- per month. It was in this factual matrix that the Hon'ble Apex Court has held that the monthly maintenance of

Rs.10,000/- was on the higher side.

8. The order impugned does not suffer from any error, much less an error warranting interference in the writ jurisdiction. The petition is dismissed.

(ROHIT B. DEO, J.)