

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5232 OF 2018**

Mr. Vishal Suryakant Jadhav Petitioner.
V/s
Sou Shweta Vishal Jadhav and Ors. Respondents.

Mr. Abhijeet Devkhile for the Petitioner.
Ms. Rati Sinhasane i/b Mr. Umesh R. Mankapure for Respondent No.1.
Mr. N.B. Patil, APP for the State.
Affidavit-in-reply tendered by the Advocate for Respondent No.1 is taken on record.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 20, 2020

P.C.:-

1] Under Section 23 of the Protection of Women from Domestic Violence Act, learned Magistrate awarded maintenance of Rs 20,000/- which order was confirmed in Appeal under Section 29 of the said Act.

2] Submissions of the learned Counsel for the Petitioner-husband are, Petitioner is a BDS Doctor and considering his source and quantum of income, award of maintenance of Rs 20,000/- per month is on much higher side. Further submissions are, Respondent-wife is holding decree of BDS and was earlier practicing the said profession. That being so, she can independently earn for herself and as such

award of maintenance should have been Rs 10,000/- which is quite reasonable.

3] Submissions are opposed by the learned Counsel for the Respondent.

4] Considered submissions.

5] It is not in dispute that Petitioner is running Sai General Hospital and Dental Clinic near Pound Bus Stand, Taluka Mulshi, District Pune.

6] Apart from above, vague details of the immovable property are narrated from which Petitioner claimed to be earning rental income.

7] Considering aforesaid factual matrix and the fact that Respondent-wife is pursuing her BDS course, there is no independent source of income as on date to the Respondent-wife and as such, award of maintenance of Rs 20,000/- having regard to the lifestyle which Respondent-wife had spent with the Petitioner before

separation justifies award of maintenance of Rs 20,000/-. No interference is therefore called for. Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)