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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3048 OF 2019

Sachin Dnyaneshwar Gurav

..... Petitioner.

V/s

Sandhya Sachin Gurav

..... Respondent.

Mr. Rushikesh C. Barge for the Petitioner.

Mr. Santaram A. Tarale i/b Geetanjali Shinde for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 17, 2020

P.C.:-

1] This Petition is directed against the impugned order passed below Exhibit-5 in Marriage Petition No.1019 of 2014 by the Court of Civil Judge, Senior Division, Pune, awarding maintenance of Rs 25,000/- per month in the proceedings initiated under Section 24 of the Hindu Marriage Act, 1955.

2] Allegations against the Petitioner are, he is earning an amount of

Rs 1 lakh per month, holds immovable property of substantial higher value and that being so payment of maintenance of Rs 25,000/- is sought.

3] It is claimed that Respondent-wife is already receiving Rs 1200/- per month in M.P. No.41 of 2015. However, the Court awarded maintenance of Rs 25,000/- considering financial position of the Petitioner.

4] The submissions of learned Counsel for the Petitioner are, payment of Rs 25,000/- as maintenance per month is exorbitant particularly considering the fact that he has limited source of income.

5] While countering submissions, learned Counsel for Respondent-wife urged that Petitioner is staying in joint family. Each member of his family has enough source of income viz father is a pensioner, brother is an architect by profession and the Petitioner is a Government Contractor. According to him, meagre amount of Rs 1200/- awarded in Maintenance Petition is based on insufficient evidence as was available with the Respondent-wife. According to

him, present award of maintenance is in tune with holding of the Petitioner of immovable property and independent source of income.

6] Learned Counsel for the Petitioner volunteers that Petitioner is ready and willing to pay maintenance of Rs 15,000/- per month instead of Rs 25,000/- to which learned Counsel for Respondent-wife is not agreeable. Fact remains that perusal of the order impugned reflects that court below has not specifically recorded a finding on income of the Petitioner per month or per annum. The court proceeded on some guess work considering factual holding of the land and awarded maintenance of Rs 25,000/-.

7] In the backdrop of holding of movable and immovable property by the Petitioner and also considering status of the Petitioner, it will be appropriate in my opinion to reduce the amount of maintenance of Rs 25,000/- to Rs 18,000/- per month. As such, order impugned is hereby modified. Let this amount of reduced maintenance of Rs 18,000/- per month be made payable to the Respondent-wife from 1/2/2020.

8] Learned Counsel for the Petitioner assures that entire amount of arrears will be cleared within a period of 8 weeks from today. Respondent-wife is permitted to withdraw the entire amount of arrears as is deposited in this Court.

(NITIN W. SAMBRE, J.)