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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 13150 OF 2019**

Shri. Gaurav Vipin Singhal

.....Petitioner

V/s.

Mrs. Anshika Gaurav Singhal

.....Respondent

Mr. Girish R. Agrawal for the Petitioner

Mr. Pradeep D. Dalvi for respondent

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 17, 2020.****P.C.**

The order impugned is passed by Jt. Civil Judge, Senior Division, Pune awarding maintenance of Rs. 10,000/- each to the respondent-wife and child Gauransh from the date of application i.e. March 7, 2015 till pendency of proceedings under Section 24 of Hindu Marriage Act.

2] The submissions of Shri. Agrawal, learned counsel for the

petitioner are, that already under Domestic Violence Act, maintenance of Rs. 15,000/- is awarded in favour of respondent and that being so, order of additional maintenance of Rs. 10,000/- to each of respondent is not justified. A further submission is, that award of maintenance of Rs. 10,000/- each, total Rs. 20,000/- is exorbitant as the petitioner returned from Canada on February 7, 2017 as his passport was impounded in view of the pending proceedings between parties after matrimonial discord. He submits that respondent-wife has admitted that there is no independent source of income to the petitioner after his return as he is busy in attending the litigation and that being so, order of Award of maintenance of Rs. 10,000/- is required to be quashed and set aside. Shri. Agrawal would further urge that whether maintenance could have been awarded under Section 24 of the Hindu Marriage Act in addition to maintenance of Rs. 15,000/- under Domestic Violence Act is a legal issue which needs to be decided.

3] *Per contra*, Shri. Dalvi, learned counsel for respondent would support the order and would urge that various orders passed by the

Courts from time to time are not honoured. There are huge arrears till date which are not cleared by the petitioner and that being so, this Court should be slow in causing interference. He sought dismissal.

4] The fact remains that under Domestic Violence Act, maintenance of Rs. 15,000/- was awarded and vide impugned order dated 14/02/2019, maintenance of Rs. 10,000/- each is awarded to the respondent-son and wife of the petitioner.

5] Educational qualification of the petitioner is, Chemical Engineering with M.B.A. is not in dispute. It is also required to be noted that while he was working in Canada, he was admittedly earning around Rs. 2 Lakhs per month.

6] Even if the petitioner is not employed as on date, that is to say he is not earning anything which is claimed to have been admitted by respondent, this Court cannot be oblivious to earning capacity of the petitioner and his responsibility to maintain wife and his child.

7] Order of award of maintenance is interim in nature and in case if the final proceedings are answered in favour of the petitioner, the Court has every power to adjust maintenance awarded or received by the respondents. As such, the issue as to whether the additional maintenance under the provisions of Section 24 of the Hindu Marriage Act should have been awarded or not, need not be gone into at this stage of the proceedings.

8] Respondent has demonstrated that widow mother of the petitioner is a (proxy) director in a company which has substantial business in the market from which the petitioner must be drawing his income.

9] Considering other sources of income which he is sought to demonstrate through documents as additional source of income of the petitioner, in my opinion, order of maintenance appears to be reasonable. No interference is warranted. Petition fails, dismissed.

10] Court below is expected to decide the proceedings without being influenced by the findings recorded herein above.

11] Parties agree that proceedings can be expedited.

12] It is directed that proceedings be decided within one year.

[NITIN W. SAMBRE, J.]