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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11321 OF 2019**

Mr. Nikhil Dattatray Ajagaonkar Petitioner.

V/s

Mrs. Trupti Nikhil Ajagaonkar Respondent.

Mr. Mathew Santosh for the Petitioner.

Mr. Prashant G. Karande a/w Mr. Ajit Hodage for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 24, 2020

P.C.:-

1] Heard.

2] In proceedings under Section 24 of the Hindu Marriage Act, which are taken out in Section 9 proceedings initiated by Respondent-wife, Family Court has awarded maintenance of Rs 60,000/- per month as an interim measure on 6/7/2019. As such, this Petition.

3] Submissions of learned Counsel for the Petitioner are,

Respondent-wife is highly qualified and working as Head of the Physiotherapy Department in Hospital. As such, according to him, she is getting salary of Rs 54,000/- per month. Her total income including the income which she is receiving by doing part time work is around Rs 1 lakh per month. He would invite attention of this Court to the net salary which is receivable by the Petitioner, as is reflected in the order impugned which is around Rs 1,89,000/-. Petitioner is working in UAE and that being so, award of maintenance is completely disproportionate. The learned Counsel for the Petitioner submits that Petitioner agrees that he owns responsibility to pay maintenance to his daughter. According to him, payment of maintenance awarded i.e. of Rs 60,00/- per month is far stretched.

4] The learned Counsel for the Respondent-wife supports the impugned order.

5] Fact remains that after discord, Respondent-wife has shifted to Mumbai and is staying in her parents' house. She has in categorical terms stated in affidavit that she is drawing salary of Rs 54,000/- per month and she is also doing extra work for two hours out of which she

is not earning anything. Respondent-wife has given calculation as to payment she has received from the Petitioner till date in the form of maintenance.

6] Fact remains that Respondent-wife is a custodian of daughter and she is required to take care of daughter and spend on her needs.

7] The Court while dealing with prayer for grant of maintenance has considered net income of the Petitioner which is at around Rs 1,89,000/- and proceeded to award maintenance of Rs 60,000/- based on the admission given by the Petitioner in affidavit-in-reply.

8] Though learned Counsel for the Petitioner is justified in claiming that such admission was given in relation to payment made, however, Court below has relied on net income of the Petitioner of around Rs 1,89,000/-. The Court below has also taken into account the income of Rs 54,000/- of the Respondent-wife and has then proceeded to award maintenance of Rs 60,000/- to both wife and daughter jointly.

9] The award of maintenance directed after taking into account

income of Respondent-wife of Rs 54,000/- is very much justified. No interference is called for in extra ordinary jurisdiction. Petition fails and same stands dismissed.

10] In view of dismissal of Petition, Respondent-wife is permitted to withdraw the amount of arrears which are deposited in this Court.

(NITIN W. SAMBRE, J.)