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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13454 OF 2017**

Mr. Rohan Moanohar Jamdar Petitioner.

V/s

Mrs. Minal Rohan Jamdar Respondent.

Mr. Ravindra S. Pachundkar for the Petitioner.

Mr. Ajinkya M. Udane for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 29, 2020

P.C.:-

1] Under Section 24 of the Hindu Marriage Act, Family Court awarded maintenance *pendente lite* of Rs 15,000/- on 4/8/2017 which is a subject matter of challenge in this Petition.

2] Submissions are, Respondent-wife is residing with the Petitioner and Petitioner is taking every care to see to it that she is provided with bare minimum necessities. Learned Counsel for the Petitioner relied on the admission given by Respondent-wife to the aforesaid effect. Further contention is, award of maintenance of Rs 15,000/- per month is beyond the capacity of the Petitioner-husband as he has already furnished entire account of his salary. Learned Counsel then would

urge that Respondent-wife is highly qualified and was earning and that being so award of maintenance of Rs 15,000/- is unjustified.

3] Learned Counsel for the Respondent-wife supports the order impugned.

4] Fact remains that on the date of decision of the present Petition, the Petitioner-husband is working in Australia is not disputed. However, it is clarified by the learned Counsel for the Petitioner that such placement is temporary.

5] Apart from above, though Respondent-wife has admitted that she is residing with the Petitioner, that by itself will not dis-entitle the Respondent-wife to claim maintenance *pendente lite* under Section 24 of the Act, as she has come out with a case that Petitioner is not providing her support so as to meet her bare minimum necessities. Family Court, while passing the order impugned, was sensitive to the source of income of the Petitioner and his maximum earning per month so also that of earning of Respondent-wife and awarded maintenance of Rs 15,000/-. As husband's income is considered to be

around Rs 87,000/- per month, award of maintenance of Rs 15,000/- per month is very much justified.

6] Respondent-wife has not disputed that she was earning around Rs 10,000/- per month.

7] In the aforesaid backdrop, contention of the Petitioner that Respondent-wife is highly qualified and is earning will hardly support the case of the Petitioner for non-payment of maintenance. No illegality could be noticed in the order impugned. Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)