

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1436 OF 2020

Deepshikha Amrish Chauhan Petitioner

Vs.

Capt. Amrish Suryakant Chauhan Respondent

Mrs. Firdaus Moosa i/by Manoj Kumar Gupta for Petitioner
Mr. Vivek Joshi for Respondent.

Coram : NITIN W. SAMBRE, J.
Date : 14th February, 2020

P.C.:

1. Heard.
2. Perused the impugned order dated 26th July, 2019.
3. This Court hardly noticed any finding on the issue of income of each of the parties in the same, rather one of the reason furnished that the petitioner has not prayed for award of maintenance appears to be entirely incorrect as my attention is invited on the application for grant of interim maintenance submitted on 12th October, 2017 before the Family Court.
4. In the aforesaid background, the order impugned dated 26th July, 2019 to the extent of refusing grant of maintenance in favour of

the petitioner is hereby quashed and set aside with a direction to the Family Court to decide the claim for petitioner for award of maintenance as reflected in the application dated 12th October, 2017 produced at page 49 of compilation.

5. Needless to clarify that the respondent shall continue to pay maintenance of Rs.30,000/- per month as ordered by the Family Court.

6. The Petition stands partly allowed.

7. Parties agree that the application for grant of interim maintenance will be decided within four weeks and they shall co-operate with the Family Court.

(NITIN W. SAMBRE, J.)