

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO.5329 OF 2020

**VALMIK HIMMATRAO PATIL
VERSUS
LALITA VALMIK PATIL**

Mr. Ramraje A. Deshmukh, Advocate for the petitioner

CORAM : N. J. JAMADAR, J.

DATE : 09-04-2021

P. C.

. Heard learned counsel for the petitioner.

2. The challenge in this petition is to an order passed by the learned Principal Judge Family Court, Aurangabad on 10-12-2019 on an application under Section 24 of the Hindu Marriage Act, 1955 for award of interim maintenance and compensation, whereby, the learned Principal Judge, Family court was persuaded to award maintenance of Rs.10,000/- per month from the date of filing of application, and the prayer for compensation was rejected. The learned Judge further directed that the claim for return of documents and laptop from the petitioner would be decided alongwith main application.

3. Learned counsel for the petitioner urged that the award of maintenance of Rs.10,000/- per month, in the circumstances of

the case is exorbitant. The respondent-wife is highly educated and gainfully working as LIC agent. She earns a sum of Rs.25,000/- to Rs. 30,000/- per month by way of commission and/ or incentives from the said agency work.

4. The impugned order records that the petitioner is working as an Assistant Teacher and his gross salary was Rs.76,440/- and net salary was Rs.55,079/-. Learned Judge further found that the petitioner failed to demonstrate that the respondent-wife is working as LIC agent. The learned counsel for the petitioner would urge that the petitioner would place material in this petition to show that the respondent is gainfully working as LIC agent and she has filed income tax returns etc.

5. Having regard to the nature of the impugned order, no case for entertaining the petition is made out.

6. Evidently, the petitioner is employed as an Assistant Teacher and draws salary of Rs.76,000/- per month. Conversely, learned Judge of the Family Court did not find any material to sustain the claim of the petitioner that the respondent is working as LIC agent and earns sumptuous amount. In any event, in the context of salary which the petitioner draws, the quantum of maintenance of Rs.10,000/- per month by no stretch of imagination can be said to be either exorbitant or unreasonable. On the contrary, the said quantum of maintenance can be said to be

conservative. In the circumstances of the case, having regard to the situation in life of the parties, the maintenance of Rs.10,000/- per month would barely allow the respondent to sustain her life in this inflationary era.

7. Hence, the petition stands dismissed.

[N. J. JAMADAR, J.]

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