

PMB

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

WRIT PETITION NO.4161 OF 2021

Dharmendra Anurudh Bhandare	.. Petitioner
vs.	
Swati Dharmendra Bhandare	
Alias Swati Ramesh Mohite and ors.	.. Respondents

Mr. Amol Laxman Dhumal for the Petitioner.	
Smt. V.S. Nimbalkar, AGP for the State.	

CORAM : M.S.KARNIK, J.

DATE : AUGUST 13, 2021

P.C.

The Petition challenges interim maintenance order dated 28.03.2019 granting the maintenance of Rs.10,000/- to the Applicant-wife and Rs.5,000/- to the minor child from the date of the application till further orders. As the Petitioner was in arrears, during the course of execution, the Regular Darkhast was filed. An order below Exhibit '1' came to be passed by the Family Court on 13.03.2020 attaching the salary of the Petitioner to the extent of Rs.18,000/- per month till the recovery of the arrears. This order passed below Exhibit '1' dated 13.03.2020 is also under challenge.

2. It is the contention of learned counsel for the Petitioner that since he was posted far away from Mumbai, it was not possible for him to attend though he had engaged a lawyer. The order below Exhibit '13' is passed without hearing the Petitioner and is an ex-parte order. He submitted that though the Petitioner is working in

the B.S.F., but he has to look after his old mother who is having serious health issues. Learned counsel relied upon the expenses incurred by the Petitioner when his mother had to be operated in the year 2017. He submitted that a sum of Rs.3,50,000/- was spent and because of the illness the medical expenses of the mother have to be taken care of.

3. The Family Court has granted interim maintenance of Rs.10,000/- to the wife and Rs.5,000/- to the minor child. This is an interim order. I do not find any perversity with the view taken. If it is the contention of the Petitioner that he was not heard, it is always open for the Petitioner to approach the Family Court and seek appropriate reliefs and/or modification.

4. Even as regards the order dated 13.03.2020, what the Family Court has done is to attach the salary of the Petitioner to the tune of Rs.18,000/- per month till the recovery of the arrears stated therein. I do not find any perversity with the approach adopted by the Family Court. Keeping the liberty of the Petitioner open to approach the Family Court seeking modification, which application if filed obviously be considered in accordance with law, the Writ Petition is rejected as I do not find any reason to interfere with the impugned orders.

(M.S.KARNIK, J.)