

Bhogale

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

WRIT PETITION NO.353 OF 2020

Kalyani A.K.A. Kalyanppa Chikirppa Shivgunde .. Petitioner

vs.

Minakshi Kalyani A.K.A. Kalyanppa Shivgunde .. Respondent

Mr. Vishwanath Patil a/w Mr. Kewal B. Ahya and Mr. Ankit Lodha for
the Petitioner.

CORAM : M.S.KARNIK, J.

DATE : MARCH 24, 2021

P.C.

Heard learned counsel for the petitioner.

2. The order under challenge is passed by the Family Court granting maintenance of amount of Rs.5,000/- per month to the Respondent-wife from the date of Application i.e. 09.07.2019 till disposal of the Petition. The Petitioner-husband filed a Petition under Section 13(1)((ia)(ib)(iii) of the Hindu Marriage Act, 1955 for divorce against the Respondent-wife. It is the contention of learned counsel for the Petitioner that learned Judge has not taken into consideration the fact that in the FIR filed by the Respondent-wife under Section 354, 504, 506 read with Section 34 of the Indian Penal Code it is stated that the Respondent is running a grocery shop for her livelihood. He therefore submits that the Respondent-wife is earning sufficient amount and is able to maintain herself.

The maintenance granted by the Family Court is therefore without considering the contents of the FIR where the Respondent-wife admitted to running a grocery shop for livelihood.

3. I have gone through the order passed by the Family Court. The Family Court in paragraph 9 of the order considered the aspect of Respondent-wife filing the FIR and has observed that nothing has been brought on record by the Petitioner-husband to indicate as to what amount is earned by the Respondent from the grocery shop and whether the said amount is sufficient to maintain herself and her son.

4. The order for maintenance of Rs.5,000/- granted by the Family Court cannot be said to be unreasonable in these circumstances. I find no perversity with the order passed by the Family Court granting an interim maintenance of Rs.5,000/- per month to the Respondent from the date of the Application.

5. The Writ Petition is rejected.

(M.S.KARNIK, J.)

Urmila
P. Ingle

Digitally signed by
Urmila P. Ingle
Date: 2021.03.24
16:27:51 +0530