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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 908 OF 2019**

Mrs Suman Arun Kher

.... Petitioner.

V/s

Ltd. Col. (Retd). Arun Kumar Kher

.... Respondent.

Ms. Seema Sarnaik a/w Ms. Sangeeta Salvi for the Petitioner.

Mr. Radhikesh U. Uttarwar a/w Mr. Shrikant Patil a/w Mr. Arjun Pawar a/w Ms. Pooja Thakur for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 22, 2021

P.C.:-

1] After having heard respective learned Counsel for sometime, this Court is of the view that order impugned in the Petition does not warrant any interference, particularly when findings are based on appreciation of evidence placed on record as regards nature of income of Respondent-husband, quantum and also fact about Petitioner having withdrawn herself from the company of Respondent-husband and her independent source of income.

2] However, in my opinion, in the interest of justice, Petitioner can be granted liberty to approach afresh in pending proceedings, seeking interim maintenance based on judgment of the Apex Court in the matter of *Rajnesh vs. Neha and Another* reported in (2021) 2 SCC 324.

3] In response to Court's query, Counsel for the Petitioner Ms. Seema Sarnaik submits that within four weeks from today, Petitioner shall be filing application for grant of interim maintenance and in response to which reply is informed to be filed by Respondent-husband within four weeks thereafter. This Court expects the Family Court to deal with such application, if so preferred by the Petitioner, expeditiously and shall decide the same, in any case, within a period of four months from the date of its presentation.

4] Family Court is required to be sensitive to the fact about giving effect to the award of maintenance, if so ordered from a particular date with supporting reasons. Needless to clarify that observations made by the Family Court in the order impugned thereby refusing maintenance shall not come in the way of the Petitioner in claiming maintenance as permitted hereinabove, as such application has to be decided on its own merits without being influenced by the said order.

5] With the above observations, Petition stands disposed of.

(NITIN W. SAMBRE, J.)