

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3014 OF 2021

DEEPAK NARAYANDAS SABNANI
VERSUS
VANITA DEEPAK SABNANI

Mr.J.M. Murkute, Advocate for the petitioner.
Mr.A.S.Savale, Advocate for the respondent.

(CORAM : BHARATI H. DANGRE, J.)

DATE : FEBRUARY 24, 2022

PER COURT :

1. Heard the learned Advocate for the petitioner and the learned Advocate for the respondent.

The petitioner is aggrieved by an order passed by the learned Joint Civil Judge, Sr.Division Dhule on 10/06/2019, on an application filed by the wife u/s 24 of the Hindu Marriage Act for interim maintenance. It is to be noted that the wife instituted HMP No.47/2018 for restitution of conjugal rights and in the said petition, she filed an application for interim maintenance, claiming a sum of Rs.5 lacs. The application de hors of any details of earnings of the husband, is based on an assertion that the husband is living a luxurious life and frequently

visited abroad, drive BMW and Audi and in short, he live an affluent lifestyle and she as his wife is entitled for the same status and therefore she is entitled for maintenance of Rs.5 lacs.

2. The application came to be contested by the husband by filing his reply and denying the allegations. He submitted that he do not have any employment and on the contrary, the wife is doing a business of beauty parlour and earning a sum of Rs.60,000/- to Rs.80,000/- per month. When the passport of the husband was produced and the entries were verified, it can be revealed that he is engaged in activity of running of a hostel by name Singapore Boys Hostel and therefore he is visiting Singapore frequently.

3. The learned Judge considered the demand of the wife and appeared to be impressed by the argument that the husband is visiting foreign countries and the applicant has no source of income. Recording that there is a prima facie case is made out on the basis of the foreign visits and immovable property that the respondent/husband is earning a substantial amount, the application came to be allowed and the respondent was directed to pay maintenance of Rs.15,000/- from

the date of filing of the application till the disposal of the case.

4. The respondent/husband has filed the present writ petition assailing the said order and alongwith the writ petition, he has filed his income tax returns for the assessment year 2017-2018, alongwith the statement of computation of his total income as well as his statement of account from 0-1.04.2017 to 06.09.2018 in the name of Customer Ruyal Company located at Pune. If the said documents placed by the petitioner are perused on record, the earnings of the husband can be easily discerned and it can be seen that under the head of profit and gains from the business, his income is shown as Rs.1,09,442/-, his income from the other sources is reflected as Rs.3,95,420/- and some income is also shown under the head of Agriculture. Gross total income is reflected in his ITR-V as Rs.4,03,703/- and the total income is depicted as Rs.3,95,420/- In the wake of the aforesaid earnings, which have come on record through ITR return filed by the petitioner himself, the amount of maintenance of Rs.15,000/- awarded under the impugned order cannot be faulted with, though the learned Judge has not base the calculations upon his earnings which were produced before it, but for the income tax return which is now placed before me,

I am satisfied that the husband deserve to pay Rs.15,000/- as maintenance to his wife.

The impugned order, therefore, deserve to be upheld and the writ petition deserves a dismissal. Since a request is made that the HMP proceedings filed by the wife itself to be disposed of within a period of 6 (six) months and since the proceedings are pending from 2018, I deem it expedient to issue a direction to the learned Civil Judge, Senior Division, Dhule to decide HMP NO.47/2018 within a period of 6 (six) months from today. During the pendency, the petitioner shall continue to pay the maintenance of Rs.15,000/- per month to the wife as directed under the impugned order.

Since a stay was granted to the impugned order subject to deposit of 50% of the amount, the petitioner shall clear the arrears of maintenance within a period of 3 (three) months from today and he shall continue to pay the amount of Rs.15,000/- per month as directed under the impugned order.

5. With the aforesaid direction, petition is dismissed.

(BHARATI H. DANGRE, J.)