

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

11 WRIT PETITION NO.12421 OF 2022

**KISHOR SUDHAKAR GIRAM
VERSUS
DEVIJA KISHOR GIRAM AND ANOTHER**

...
Advocate for Petitioner : Mr. S.R. Bagal h/f.
Mr. Bharat N. Gadegaonkar
...

CORAM : SANDEEP V. MARNE, J.

DATE : 12-12-2022

PER COURT :

. By this petition, petitioner has challenged the order dated 08.08.2022 passed by the Family Court, Jalna in Petition No. E 80 of 2021 awarding interim maintenance of Rs.5,500/- per month to respondent – wife and daughter, in addition to the monthly maintenance of Rs.4,500/- granted in domestic violence complaint. The total maintenance granted to the wife and daughter is thus Rs.10,000/- per month.

2. I have gone through the impugned judgment and order. Though petitioner represented before the Family Court that he is working as labour and earning monthly income of Rs.5,000/- to 6,000/-, the Family Court has taken note of the fact that petitioner owns Hyundai Creta car, which has been purchased by availing loan

amount of Rs.8,05,771/- carrying EMI of Rs.16,942/-. Additionally, petitioner appears to have taken another loan of Rs.3,73,488/-. It is therefore impossible to believe that petitioner - husband who owns Hundai Creta car and is paying EMI of Rs.16,942/- + Rs.8,261/- total Rs.25,203/- is earning monthly income of Rs.5,000/- to Rs.6,000/-. The learned counsel for petitioner submits that the car was purchased with an intention to put the same on rental business and that on account of Covid -2019 pandemic, the business could not fructify. However, upon being asked a query whether the car has a transport permit, the learned counsel for petitioner has no answer to the query. No case was put up before the Family Court that the car has been purchased with a transport permit so as to put the same on rental basis. Thus, defence taken by petitioner appears to be clearly afterthought.

3. Additionally, petitioner owns land admeasuring 60 Are in his name. Respondent - wife produced photographs showing petitioner sitting on the counter of Raviraj Bar and Restaurant. Even though no evidence was brought on record to the effect that the bar and restaurant is owned by petitioner, it appears that he was seen working at that place. It is the contention of petitioner's counsel that the bar and restaurant is owned by his brother, who resides

separately. Be that as it may. After considering the entire record of the case, I am of the view that the amount of interim maintenance awarded by the Family Court is just and reasonable. The couple has a daughter aged 3 years. Total monthly maintenance of Rs.10,000/- considering the status of the couple appears adequate.

4. The petition being devoid of merits, is dismissed. No costs.

(SANDEEP V. MARNE, J.)