

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

WRIT PETITION NO. 13756 OF 2021

Chetan Subhash Pardeshi .. Petitioner

Versus

Bhagyashree Chetan Pardeshi .. Respondent

Shri Anudeep D. Sonar, Advocate for the Petitioner.

Shri G. D. Jain, Advocate h/f Shri A. S. Sawant, Advocate for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATE : 30TH NOVEMBER, 2022.

FINAL ORDER :

. By this petition, petitioner challenges order dated 08th November, 2021 passed by the Judge, Family Court, Dhule in H. M. P. No. A-25 of 2021 awarding interim maintenance of Rs. 10,000/- per month to the respondent-wife under Section 24 of the Hindu Marriage Act.

2. It is not the case of the petitioner-husband that the respondent-wife is employed or earn any income for herself. His only defence is that, she is highly qualified and able to earn her own liability. The petitioner-husband admitted in the divorce petition filed by him that he is employed in a private company. However, the petitioner has not produced any documentary evidence either before the Family Court or before this Court to indicate exact amount of salary that is earned by him through

such employment. It is the contention of the learned advocate for the petitioner that he was employed at the time of filing of the divorce petition and that he lost his job during the Covid – 19 pandemic. However, no document is produced on record to demonstrate that services of the petitioner were terminated in any manner. This shows that the petitioner-husband has been evasive before the Family Court as well as before this Court in disclosing the exact income earned by him. The Family Court has considered the family background of the petitioner where his father is allegedly a businessman, his mother is working as a teacher in Government job and his brother is an engineer. These aspects are not disputed by the petitioner, but he claims that he has no concern with those relatives.

3. Considering overall material before it, the Family Court has assumed monthly income of Rs. 40,000/- to Rs. 50,000/- of the petitioner-husband. The counsel for the petitioner submits that the income assessed is imaginary. However, in the light of the fact that the petitioner-husband not disclosing exact amount of income that he used to earn, when he admittedly was in private job, the Family Court was left with no other alternative but to assess the income on the basis of the circumstances appearing before it.

4. Considering the qualification and status of the couple, the Family Court has awarded interim maintenance of Rs. 10,000/- to the respondent-wife. In my view the same appears to be reasonable. No interference is warranted in the order passed by

the Family Court. The petition is devoid of merits. Same is dismissed, however, without any orders as to costs.

5. Learned counsel for the petitioner-husband prays for expediting the proceedings before the Family Court. Petitioner-husband is in arrears of maintenance amount approximately of Rs. 90,000/-. The petitioner-husband undertakes to pay the entire amount of arrears to the respondent-wife within a period of four (04) weeks from today and also to continue to pay monthly interim maintenance without any default. Considering the fact that divorce petition is instituted by the petitioner-husband in the year 2018 initially at Aurangabad, which is now transferred to Dhule, the Family Court, Dhule is requested to expedite hearing of the Petition No. A-25 of 2021 and to make an endeavour to decide the same as expeditiously as possible and preferably within a period of six (06) months from today. The respondent-wife to cooperate in early disposal of the petition without seeking unnecessary adjournments.

[SANDEEP V. MARNE, J.]

bsb/Nov. 22