

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9744 OF 2021

Vishal Ajitprasad Kolekar] ... Petitioner

Vs.

Mayura Vishal Kolekar] ... Respondent

...

Mr. Aditya S. Raktade with Mr. Dnyanesh Patil for the petitioner.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 10TH MARCH, 2022.

P.C. :-

1. Heard learned counsel for the petitioner, who assails the order passed by the Family Court, Kolhapur, on 24/09/2021 on an application, seeking interim maintenance.
2. The application is moved in a petition filed by the husband seeking divorce. The respondent-wife has filed a counter-claim seeking restitution of conjugal rights. In the said proceedings, the wife made an application for interim maintenance pleading that he is working as H.R. Manager and Business Development Officer in

a private company and is earning Rs.40,000/- per month and the father of the husband is getting a pension of Rs.42,000/- per month and even his mother was in Government service.

3. She further pleaded that he owns a flat in Kolhapur, which is rented out. She therefore, prayed for grant of maintenance at the rate of Rs.15,000/- per month from the date of the application and litigation expenses of Rs.25,000/-.

4. The petitioner-husband opposed the said application by submitting that the wife herself is working in a school and she is highly educated and the financial status of her father is very high. He projected his liability and stated that he is taking care of the parents and paying rent of the premises.

5. In the wake of the rival pleadings, the Family Court has determined the application and the eligibility of the wife to claim maintenance. Since the wife has deposed that the petitioner is highly qualified and possessing BBA and MBA and is working as a H.R. Manager and earning Rs.40,000/- per month and the stand of the wife is that once upon a time, she used to go to 'Seven days school' in Kolhapur and now she has left the job and she is residing at Sangli.

6. The salary certificate brought on record reflected that the husband is working as H.R. Manager and his take home salary is

Rs.25,000/- per month.

7. The learned Judge deemed it appropriate to grant interim maintenance at the rate of Rs.10,000/- per month from the date of application till decision of the main petition. Rs.5,000/- towards litigation expenses was also granted.

8. Perusal of the impugned order does not show any legal infirmity since the marriage is not in dispute and the wife has no source of income and this position is juxtaposed against the earning of the respondent and the responsibility of the husband to maintain her wife, the impugned order does not require any interference. The impugned order is thus upheld and the petition is dismissed.

[SMT. BHARATI DANGRE, J.]