

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1291 OF 2021

Jeetendra Prabhakar Shinde ..Petitioner

V/s.

Sunita Jeetendra Shinde ..Respondent

Mr. Vivek Salunke for the Petitioner.

Ms. Kavita Shinde a/w Y.G. Thorat for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 28 JULY 2022

P.C.

SNEHA
NITIN
CHAVAN
Digitally
signed by
SNEHA
NITIN
CHAVAN
Date:
2022.07.30
13:15:03
+0530

1. The challenge in this petition, is to the order dated 18.09.2019 passed by the learned Principal Judge, Family Court at Pune below Exh.17 in PA No. 1500 of 2017. By the impugned order, the Family Court has granted maintenance at the rate of Rs.8,000/- per month to the Respondent-wife, along with Rs.10,000/- as the cost of proceedings.

2. I have heard learned counsel for the Petitioner and the Respondent. Perused record.

3. The learned counsel for the Petitioner submitted that the Petitioner was working as an Admin Executive with Total

Transport Systems Limited and has since resigned from service on 30.05.2018. He submitted that the Petitioner has been relieved on 31.05.2018 and since then has no source of income sufficient to pay the maintenance. Secondly, it is submitted that the Family Court could not have placed reliance on the terms settled before Conciliator in order to grant interim maintenance as agreed in the Consent Terms. It is submitted that Respondent is a Doctor having a BAMS degree and is registered under the Maharashtra Medical Practitioner Act, 1961. He pointed out that the Respondent was attached to Makan Hospital and has sufficient income to maintain herself.

4. The learned counsel for the Respondent submitted that the Respondent was working as a part time employee in Makan hospital and since 3.12.2018, she is not working in the hospital on account of her personal issues and she has no source of income. She submitted that the Respondent is unable to maintain herself and the daughter and the Trial Court is justified in relying upon the Consent Terms before the Conciliator.

5. I have considered the submissions made and I do not find that any case for interference is made out.

6. The Petitioner has filed marriage petition for dissolution of marriage in which, the application seeking interim maintenance

under Section 24 of the Hindu Marriage Act, 1955 was filed. The object and purpose of granting maintenance pendent lite is to ensure that the wife has sufficient means of livelihood and can contest the petition in an appropriate manner.

6. Coming to the present case, there are rival contentions made about the employment of the parties. While the Petitioner claims that he has resigned from his job from 30.05.2018, the Respondent wife claims that she is no longer working as a Doctor with Makan hospital. The Family Court in this regard after taking note of the income tax returns of the Petitioner for the Assessment Years 2014-15, 2015-16, 2016-17, 2016-17, 2017-18 and 2018-19 has found that even after the Petitioner claims to have resigned from the job, has shown his total income at Rs.3,31,977/- for the Assessment Year 2018-19. This according to the learned Family Court goes to show that the Petitioner was getting income even after his alleged resignation from his job. That apart, the dispute was referred for conciliation and parties had appeared before Conciliator on 05.03.2018 and executed Consent Terms which were produced at Exh.8. By virtue of the said Consent Terms, the Petitioner has agreed to pay Rs.8000/- per month each to the Respondent-wife as well as their daughter from 01.03.2018 by way of interim maintenance. The contention that the Consent Terms could not have been relied upon to my mind cannot be accepted. This is because, although the

deliberations between the parties and as to what transpired before the Conciliator is sacrosanct, however, once the Conciliation proceedings terminate and appropriate Consent Terms are drawn, which are signed by the parties, there is no prohibition in relying upon such Consent Terms.

7. Considering the over all circumstances, I do not find that any exception can be taken to the grant of interim maintenance.

8. Petition is without any merit and is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.