

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2415 OF 2020**

Saurabh Subhash Mulay	.. Applicant
Versus	
Pallavi Saurabh Mulay	.. Respondent

Mr. Manas Gawankar for the Applicant.

Mrs. Pallavi S Mulay Respondent present in person.

**CORAM: BHARATI DANGRE, J.
DATED : 14th JULY, 2022**

P.C:-

1. By the present writ petition, the petitioner husband has called in question the order dated 6/02/2020 passed by the Family Court, Nashik, which has allowed the application filed by the respondent wife, claiming for maintenance *pendente lite* under section 24 of the Hindu Marriage Act and he is cast a liability to pay maintenance of Rs. 20,000/- per month to her. The maintenance is directed to be paid from 25/11/2016 till the disposal of the writ petition. Litigation expenses were also directed to pay to the wife.

By order dated 12/03/2020, while issuing notice to the respondent, the petitioner was directed to deposit 50% of arrears of maintenance, within a period of 3 weeks, similarly, he was also directed to deposit cost of litigation.

The prayer for interim relief was directed to be considered after respondent was served.

2 The petitioner has acted, in furtherance of the said order, and has deposited 50 % of arrears of maintenance which is amount of Rs.3,95,000/- before the Family Court. However since Rs.25,000/- towards litigation expenses was not deposited, the counsel undertook to pay the expenses to the respondent wife. Now, he has complied with the said direction and the respondent, who is present in person, acknowledges the receipt of the said amount.

3 The respondent, however, states that the arrears of maintenance worked out in terms of the order dated 12/03/2021 would come out to Rs.4,00,000/-, but the petitioner has deposited an amount of Rs. 3,95,000/- only, which she has withdrawn.

Admittedly after this deposit, no amount towards maintenance has been paid.

4 Heard, Learned counsel for the petitioner who assails the impugned order. He admits that his earnings have been rightly recorded in the order as Rs. 1,09,276/-, based on his salary slip for the month of April, 2019. He, however, submits that his expenses to the tune of Rs.75,000/- to Rs.80,000/-, which were projected before the Family Court in his written argument, have not been considered at all.

The learned counsel for the respondent submits that the respondent claim maintenance of Rs.35,000/- per month, considering the earning of the husband and, this amount was required by her to maintain herself.

5 Though the petitioner husband claims before the Family Court, that the wife has her own earnings, he was not able to take his

argument any further and since no proof to that effect was adduced on record, considering the earnings of the husband to be a handsome amount, the wife was held entitled to interim maintenance of Rs 20,000/- per month.

I do not see any illegality in the impugned order, as in fact the expenditure of the husband, which was projected before the Family Court is on a higher side, as he has duplicated the heads, since the food and medical expenses incurred by him are shown to be Rs. 15,000/- plus his parent's medical and household expenses are estimated to be between Rs.30,000 to Rs.35,000/-, whereas the petitioner makes a categorical statement that he is residing with his parents. In the wake of the above, the said amount cannot be taken as expenditure.

6 The impugned order, which has well considered the requirement of the wife and the capacity of the husband to pay, has fixed the interim maintenance at Rs. 20,000/- per month, upholding the said order, the petition deserves a dismissal and, is accordingly, dismissed.

The petitioner is directed to deposit the further amount of maintenance before Family Court, within a period 8 weeks and, continue to make payment of Rs. 20,000/- per month, as directed by the Family Court in the order dated 06/02/2020.

7 While disposing off the writ petition, the learned counsel for the petitioner has made an earnest request to refer the parties to the mediation and the respondent, who is present in the court, states that she has no objection if they are referred to mediation and some

amicable way out, can be worked out.

Since the parties are ready to mediate, the Family Court, Nashik, is requested to guide the parties to mediation, so that a sincere effort for resolving the dispute between them, can be made.

(SMT. BHARATI DANGRE, J.)