

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5289 OF 2022

Siddharth Vilas Alhat	... Petitioner
Vs.	
Deepali Siddharth Alhat	... Respondent

Ms. Saima Ansari for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATED : 30th NOVEMBER, 2022

P.C.:

1. After the marriage was solemnized between the parties on 11/02/2018 at Talegaon, the matrimonial discord thereafter has prompted the non-applicant wife to prefer proceedings before the Family Court, Pune for restitution of conjugal rights u/s. 9 of the Hindu Marriage Act, 1955. In the said proceedings prayer for grant of maintenance moved below Exhibit-5 came to be allowed vide order impugned dated 16/02/2022 passed by the Family Court, Pune thereby awarding maintenance of Rs. 15,000/- per month. As such this petition.
2. The contentions are, the respondent-wife is a medical student and as such she has an appropriate earning caliber and capacity. It is further claimed that the petitioner even if he is earning salary, the award of maintenance of Rs. 15,000/- is exorbitant and without any basis.
3. I have appreciated the said submissions.

4. The fact that the respondent-wife is a medical student was specifically pleaded in the application as could be inferred.
5. The moment the said fact is not disputed by the petitioner, it has to be inferred that the respondent-wife lacks any earning capacity or she has no independent source of income. As such, the claim of the respondent that she is willing to reside with the petitioner and that being so has taken out proceedings u/s. 9 for the restitution of conjugal right has rightly prompted the Court below to infer that there is neglect to maintain on the part of the petitioner.
6. Apart from above, the fact that the petitioner is working with the Vodafone and drawing a salary of Rs.60,000/- per month has been taken into account for awarding maintenance of Rs.15,000/- per month. The award of maintenance of Rs.15,000/- per month is commensurate to monthly income of the petitioner-husband.
7. As such, it cannot be said that the award of maintenance is disproportionate. That being so, no error could be noticed in the order impugned, which warrants interference in extra-ordinary jurisdiction.
8. The petition, as such fails and stands dismissed.