

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7242 OF 2021

Ruhi Rakesh Angre @ Dhanshri] ... Petitioner
Mandavkar

Vs.

Rakesh Ramesh Angre] ... Respondent

...

Mr. Sagar A. Joshi for the petitioner.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 16TH JUNE, 2022.

P.C.:-

1. Despite repeated notices, the respondent-husband has failed to appear. Hence, the petition proceeded in his absence.
2. Heard learned counsel for the petitioner. The petition is filed being aggrieved by the order passed below Ex-5 in Petition No.A-74 of 2017, wherein an interim application for maintenance is filed by the petitioner-wife under Section 24 of the Hindu Marriage Act.

3. I need not delve into the aspect of the matrimonial discord, but I shall restrict myself to the application seeking maintenance with a claim that the petitioner has no source of income and the respondent is serving with T.C.S. at Gurgaon and earning a salary of more than Rs.45,000/- per month and he along with his parents is running 'Vada-Pav' business, which fetches tax free income every day. She has, therefore, claimed an interim maintenance of Rs.20,000/- per month.

4. Opposing the said claim, the respondent filed written statement and denied that the wife is dependent on him. He pleaded that she is working in a private company and drawing salary of Rs.30,000/-, and it was specifically denied that there is any earning for his family from the Vada-Pav business as he denied carrying on any such activity. The respondent stated that he is working as Customer Service Executive with T.C.S. with a salary of Rs.40,000/- per month. He also brought the deductions towards EMIs for the home-loan, loan for renovation of the house and a personal loan along with LIC premiums and the amounts required to be expended towards the household expenses, since his aged parents are to be maintained by him.

5. The Family Court accepted the admission of the petitioner-wife that she is working and drawing a salary of Rs.12,000/- and net salary of Rs.10,000/- per month, which was reflected from the bank statement produced by her vide Ex-21. As far as the

husband is concerned, he has produced salary slips for the months of June-July, 2018. The learned Judge arrived at a conclusion that his gross salary for June, 2018 is Rs.42,689/- and net salary is Rs.38,854/- and for July, 2018, his gross salary is Rs.24,645/- and net salary is Rs.21,789/-. Since the respondent has admitted his salary as Rs.40,000/- and the two loans taken by him required him to pay an EMI of Rs.25,560/- and, after taking into consideration that the deductions are standard, the net salary of the respondent is accepted to be Rs.38,854/- and after deducting the EMI amounts, the balance amount is Rs.13,294/-. Considering the take home salary of the petitioner as Rs.9,045/-, the claim of the petitioner that she is dependent on the husband and deserves interim maintenance, came to be rejected.

6. The reasoning adopted by the learned Judge is based on the material placed before him and no perversity or illegality can be noticed in the impugned order. Accordingly, the said order is maintained and the petition is dismissed.

[SMT. BHARATI DANGRE, J.]