

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**29 WRIT PETITION NO.1678 OF 2023**

YOGESH AMBADASRAO DESHMUKH  
VERSUS  
CHITRA YOGESH DESHMUKH

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Mr. Mahendra Panditrao Gandle, Advocate for the Petitioner.  
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**CORAM : SHARMILA U. DESHMUKH, J.**  
**DATED : FEBRUARY 15, 2023.**

**PER COURT :**

1. Heard.
2. The challenge in the petition is to the order of interim maintenance granted in Petition A. No.74 of 2020 whereby the sum of Rs.4000/- p.m. was granted to the wife and Rs.2000/- p.m. each to two children as interim maintenance.
3. Learned counsel appearing for the Petitioner submits that at the relevant time, the petitioner was unemployed and on the basis of erroneous finding that the husband is having a probable monthly income of not less than Rs.15,000/- and that he is getting rent of Rs.12,000 p.m., the impugned order has been passed.
4. Considered the submissions of the learned counsel for the Petitioner.

5. The impugned order pertains to grant the interim maintenance. It is the claim of the husband that at the relevant time he was unemployed. It appears that no documents were produced on record to show his past income or to show the means of his survival after being unemployed. As such, the Family Court has taken into consideration his probable monthly income at Rs.15,000/- which cannot be faulted with. The petitioner has been unable to demonstrate that the wife has source of income and has means of survival. The Petitioner is bound to maintain his wife and two children and the reason of unemployment cannot be a ground to refuse interim maintenance as the Petitioner is an able bodied person. It is not demonstrated as to how the Petitioner is surviving without employment. In any case, in the absence of any material on record at the stage of grant of interim maintenance the sum of Rs.4000/- for the wife and Rs.2000/- each to the school going children cannot be faulted with. The Petitioner can raise all contentions and lead evidence in support of his contentions that the wife has her own source of income during the trial. At present the question being grant of interim maintenance, there is element of guess work involved, in the absence of any documents produced by either party, and as such the grant of interim maintenance to the wife and two minor children cannot be faulted with.

6. For the reasons above, there is no infirmity in the order of the Family Court. Writ Petition stands dismissed.

**( SHARMILA U. DESHMUKH, J. )**