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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 118 OF 2023
IN
WRIT PETITION NO.13131 OF 2022

Vishal Pandit Kale

APPLICANT

VERSUS

Harsha Vishal Kale

RESPONDENT

.....
Mrs. Reza Nishat Md. Qamer, Advocate for the applicant
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th APRIL, 2023

ORDER :

1. This application is filed seeking review of the order passed by this Court on 22nd December, 2022, whereby writ petition filed by the petitioner – husband, challenging the interim maintenance of Rs.10,000/- per month awarded to the wife by 2nd Joint Civil Judge, Senior Division, Bhusawal, is dismissed.

2. Learned advocate for the applicant strenuously submits that, this Court has observed in para 3 of the order under review that -

“3. Upon being questioned as to when the loans were availed, learned counsel submits that the LIC loan was availed in April 2022. The couple has started staying separately from each other since December 2021. It is

quite perplexing that, if net salary of the petitioner was coming at Rs.17,952/- after deduction of EMI for artificial legs, how petitioner opted for another loan from LIC which reduced his net pay to Rs.4952/-. Petitioner claims that there are old age parents in his house and he is required to pay care of of them as well. This makes it further difficult to believe that availing of loan was necessary. Prima facie it appears that loans are availed in order to defeat the legitimate claim of wife towards maintenance.”

3. She further submits that in fact said loan was availed in the year 2018, i.e. even prior to the marriage of the applicant and the respondent. Hence, the order needs to be reviewed, as the applicant is getting net salary of only Rs.4952/-.

4. Aforesaid observations of this Court are on the basis of submissions of the learned advocate for the applicant. After considering the entire matter, this Court was of the *prima facie* view that loans are availed by the applicant to defeat legitimate claim of the wife towards maintenance.

5. Be that as it may. This Court confirmed the order of the Trial Court awarding interim maintenance of Rs.10,000/- per month to the wife, which in the facts of the present case, cannot be said to be on higher side.

6. It is required to be noted here that the writ petition was filed and argued by another advocate and present review

application is filed by different advocate. This practice is deprecated by the Apex Court in "***T. N. Electricity Board and Another V/s V. N. Raju Reddiar and Another***" AIR 1997 SC 1005.

7. No case is made out by the applicant for review. Review application being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

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