

VRJ

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

WRIT PETITION NO.8444 OF 2023

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Dr. Abhay Prakash Kamble

... Petitioner

V/s.

Dr. Payal Abhay Kamble

... Respondent

Mr. Bhalchandra S. Shinde for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2023

P.C.:

1. By this petition under Article 227 of the Constitution of India, the petitioner-husband is challenging order of grant of interim maintenance and the order rejecting review of the said order. The respondent-wife filed Hindu Marriage Petition No.319 of 2018 for restitution of conjugal rights. During pendency of the said petition, the wife applied for interim maintenance under section 24 of the Hindu Marriage Act, 1955.

2. By order dated 30st January 2019, the husband was directed to pay Rs.8,000/- towards interim maintenance and expenditure to defend the proceeding.

3. By order dated 24th December 2019, the Trial Court rejected application for review of order dated 30th January 2019.

4. Present writ petition is filed on 13th January 2023.

5. According to the petitioner, he was not aware of the impugned order. However, the said contention is factually incorrect as the first impugned order was passed on 30th January 2019. The petitioner filed review on 5th March 2019. The order dated 24th December 2019 has been passed after granting liberty of hearing to the petitioner. Therefore, the petitioner is not entitled to raise plea of knowledge of the impugned order. Therefore, the writ petition cannot be entertained on the ground of laches.

6. Even on merits, it appears that the petitioner-husband is medical practitioner having qualification MBBS. The respondent is also medical practitioner having qualification BDS. Considering their duties amount of Rs.8,000/- appears to be reasonable. It needs to be noted that the liability of payment of Rs.8,000/- is till 5th July 2022 when the Hindu Marriage Petition No.319 of 2018 was disposed of. Hence, no case for interference is made out.

7. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)