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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.4920 OF 2022

Sambhaji S. Sawant

...Petitioner

V/s.

Smt.Snehal S. Sawant

...Respondent

Mr.Vilas B. Tapkir for the Petitioner.

Mr.Neeranjan Pandey for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 6TH DECEMBER, 2023.

P.C. :-

1. This Writ Petition challenges the judgment and order dated 9 August 2021 passed by Civil Judge (Senior Division), Palghar, below Exhibit – 13 in Marriage Petition No.103 of 2019.
2. The Petitioner (husband) has filed the present Writ Petition under Article 227 of the Constitution of India challenging the interim maintenance granted by Civil Judge (Senior Division), Palghar.
3. The Petitioner (husband) got married on 29 May 2010. On 7 July 2012, daughter Purva was born out of the said wedlock. Thereafter on 18 February 2014, daughter Swara was born out of the said wedlock.
4. It is the case of the Petitioner that the Respondent (wife)

left the matrimonial house without giving any reasons and started residing with her parents. On 10 July 2019, the Respondent (wife) filed Marriage Petition No.103 of 2019 before Civil Judge (Senior Division), Palghar for divorce on the ground of cruelty under Section 13(1) (a) of the Hindu Marriage Act, 1955. Along with the said application, interim application, Exhibit – 14 was filed for maintenance. After the reply was filed by the Petitioner (husband), Civil Judge (Senior Division), Palghar by its order dated 9 August 2021 partly allowed the application of interim maintenance, and granted a sum of Rs.5,000/- as maintenance to the Respondent (wife) from the date of the application i.e. 16 January 2020, till the date of the main Petition, and further a sum of Rs.2,000/- to each of the two daughters towards maintenance from 16 January 2020 till the disposal of the main Petition. So also a sum of Rs.7,000/- was granted to be paid to the wife towards the Court expenses and for travelling. It was further directed that the husband will continue to pay the installment of Sukannya Yojana regularly in the name of two daughters with the concerned Post Office at the rate of Rs.2,000/- per daughter.

5. This Court has periodically given time to the Petitioner to clear the outstanding amount which as of today is Rs.5,58,000/-. It is also come on record the pay slip for the month of September 2023 of

the Petition (husband). The said pay slip shows the gross earning of the Petitioner is Rs.45,847/-.The net earning after taking into consideration the deduction would be Rs.43,847/-. Today it has been argued on the instructions of the Petitioner by the Petitioner's advocate that the Petitioner is jobless from this month, as the Company where he was working, as told him to tender resignation due to the mistakes and absence from the duty.

6. The Trial Court has considered while allowing the interim maintenance application of the wife. The fact that the Petitioner is working with the Company called as Jendamark Techcellency Auto Limited admittedly as Store Keeper and at that time earning monthly salary of Rs.38,308/-. The Trial Court has also considered the fact that the Petitioner is paying a sum of Rs.2,000/- per month in the account of two daughters under the Government scheme of Sukannya Yojana. Taking into consideration the expenses shown by the husband, the Trial Court has held that admittedly the wife is not working lady and it appears that the daughters are going to school, therefore, maintenance of Rs.5,000/- was granted to the wife and Rs.4,000/- each to the daughters.

7. Today before me there is no challenge by the wife to the quantum of maintenance granted. The husband who is challenging the quantum of maintenance granted by the Trial Court taking into

consideration that before the Trial Court, the salary of the Petitioner was shown as Rs.38,308/-, which as of September 2023 is now Rs.45,847/-. I do not see that there is any merit in the present Writ Petition.

8. The present Writ Petition is dismissed. There shall be no order as to costs.

(RAJESH S. PATIL, J.)