

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12754 OF 2022

Sumit Sunil Rashinkar

...Petitioner

Versus

Renuka Sumit Rashinkar

...Respondent

None present.

CORAM: Dr. Neela Gokhale, J.

DATED: 12th January 2024

PC:-

1. The Petitioner challenges judgment and order dated 16th May 2019 passed by the Family Court, Solapur in the Petition No.A-241 of 2018.

2. By way of impugned order, the Petitioner was directed to pay an amount of Rs.3,000/- per month to the Respondent-Wife and Rs.1,000/- per month to daughter-Mukta towards interim maintenance from the application, i.e., from 2nd March 2019.

3. The grounds on which the Petitioner has impugned this order are *firstly*, that the Respondent-Wife had abandoned the Petitioner herself; *secondly*, the Family Court ought to have considered the age and educational qualification of the Respondent-

Wife, and *thirdly*, the Respondent-Wife herself is quite capable for getting a good job based on her educational qualification and look after herself. The Petitioner-Husband also impugns the order on the ground that he gets a meagre salary and has to pay installments in respect of loan taken by him from Oriental Bank of Commerce and other expenses. The grounds are mentioned in paragraphs 11(A) to (N).

4. I have gone through the order passed by the Family Court. The Family Court has considered in detail the facts in the matter and the income and expenses of the both the parties. The object of Section 24 of the Hindu Marriage Act, 1955, is to ensure that the spouse seeking relief is not reduced to a life of destitution and has sufficient resources to survive in dignity and bear the expenses of litigation. The mere fact that the Respondent-Wife is qualified to earn is not sufficient to deprive her of interim maintenance. She is admittedly looking after and caring for the minor daughter single handedly. The reasons put forth by the Petitioner-Husband to justify setting aside the order of interim maintenance including repayment of loan, etc. are not valid. The quantum as determined by the Family Court is not excessive nor exorbitant.

5. I do not find any infirmity in the said order.

6. The petition is thus dismissed. There will be no order as to costs.

(Dr. Neela Gokhale, J)

