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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10731 OF 2023

Rohit Basant Kumar Sharma

...Petitioner

Versus

Renu Rohit Sharma

...Respondent

Adv. Rohan Surve i/b Mr. Kunal Naik a/w Mr. B. N. Kazi for the
Petitioner.

Adv. Kokila Kalra & Adv. Alifiya Manasawala for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 31, 2024

P. C. :

1. Heard.
2. The challenge in the Petition is to the order dated 16th January, 2023 passed by the Trial Court allowing the Application filed by the wife under Section 24 of the Hindu Marriage Act granting maintenance of Rs. 75,000/- per month to the Respondent wife and two daughters and Rs. 20,000/- towards litigation expenses.
3. Learned counsel for the Petitioner submits that due to the communications which were addressed by the Respondent wife to the various banks as well as his employers he had lost his job and the same finds mention in his written statement. He further submits that the Sea

service letter at page No. 289 indicates that he was on the vessel from 15th April, 2019 to 01st November, 2019. He submits that the Respondent wife is residing in the matrimonial house and he has been ousted from the house for which EMI he is paying.

4. For the purpose of grant of interim maintenance, it is required to be seen whether the Respondent wife is able to maintain herself in the same status as that of the husband. In the present case the Petitioner is serving in Merchant Navy and although statement is made in the written statement that he had lost his job, the document at page No. 290 of the Petition would indicate that from 12th August, 2020 to 31st January, 2021, and from 11th February, 2022 to 29th June, 2022, he was serving on the vessel. If it was the contention that he has lost his job, it was incumbent upon him to produce necessary documents to at least *prima facie* demonstrate the same. The record does not indicate that any such document has been produced.

5. The Trial Court has considered that till the filing of the Application for maintenance, the Petitioner used to pay a sum of Rs. 30,000/- to 40,000/- monthly to the Respondent wife. The Trial Court also noted that the Petitioner has not filed his income tax returns and earlier was having an monthly income of more than Rs. 7,00,000/- . The Trial Court refused to accept the case of the Petitioner that the Respondent wife is

carrying business of supply of food tiffin and earning income of Rs. 50,000/- Before this Court nothing has been demonstrated to show that any such business has been carried out by the Respondent wife and that she was earning such a substantial income from the said business. Even if the wife is doing some job to eek out a living, the same does not absolve the Petitioner of his responsibility to maintain the wife and two daughters. It is well settled that at the stage of grant of maintenance there is certain assessment which is done by the Trial Court based on the material which has come on record for the purpose of arriving at the quantum of interim maintenance. In the present case, based on the material on record the Trial Court has directed the Petitioners to pay Rs. 75,000/- to the Petitioner and two daughters and Rs. 20,000/- towards litigation expenses.

6. Considering the record it cannot be said that there any infirmity in the finding of the Trial Court. Resultantly Petition fails and stands dismissed.

(SHARMILA U. DESHMUKH, J.)