

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15893 OF 2022

Shalini Biju Raman

...Petitioner.

Versus

Mr. Biju A Raman

...Respondent.

Ms. Jonita Dabreo for the Petitioner.

Mr. Vaibhav P. Punekar a/w. Ms. Samreen A. Aptagiri for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : 27th March , 2024.

P. C. :

1. By this petition exception is taken to order dated 21st February 2022 rejecting the petitioner's Application for maintenance.

2. The contention of learned counsel for the petitioner is that earlier petitioner-husband was incurring educational expenses of the child, making payment towards maintenance of

the house and was paying an additional amount of Rs.10,000/- per month to the respondent-wife. She submits that considering the said position which was prevalent as on date of passing of the order and after considering that the petitioner-wife was earning around Rs.38,000/- per month, the Trial Court has rejected the Application. She would submit that subsequently except the son's educational expenses the respondent- husband has completely stopped making any payments towards the maintenance of the house or additional amount of Rs.10,000/- which was being paid. She would submit that thus there is no sufficient independent income for her support.

3. On the contrary, learned counsel for respondent would submit that the petitioner-wife has suppressed her income as the relevant documents are not annexed to her Affidavit of Assets and liabilities. He would further submit that after lock-down the income of the husband has reduced significantly and despite the reduction in the income the son's educational expenses are still being taken care by the husband. He would further submit that, the respondent-husband is incapable of

making payment of further maintenance.

4. It cannot be disputed that when the impugned order was passed apart from her own income, the petitioner-wife was receiving monthly sum from the respondent apart from the house maintenance expenses being met. That being so, no fault could be found in order of the Trial Court rejecting the interim relief for maintenance. It is only subsequently to the passing of impugned order that the respondent-husband has stopped making any payments. The issue will therefore have to be adjudicated afresh in light of changed circumstances. Learned counsel for petitioner on instructions submits that a fresh application for grant of interim maintenance would be filed before the Trial Court. The Application to be filed within a period of two weeks. The response, if any be filed within a further period of 2 weeks and along with the application and the response, the Affidavit of Assets and Disclosures to be filed afresh. Trial Court is requested to decide the Application for maintenance expeditiously and in any event within a period of 8 weeks thereafter afresh in light of changed circumstances.

5. Petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]