

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2686 OF 2024

Dattatray Manohar Kharat

...Petitioner

Versus

Priyanka Dattatray Kharat

...Respondent

Adv. P. J. Shejul for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : FEBRUARY 27, 2024

P. C. :

1. Heard.
2. By this Petition challenge is to the order dated 4th May, 2022 passed by the Trial Court granting interim maintenance of Rs. 7,000/- to the Respondent and the minor child.
3. Learned counsel for the Petitioner would submit that the Trial Court has not taken into consideration the fact that he is having a handicapped sister and has erred in granting maintenance of Rs. 7,000/-.
4. The admitted position is that the Respondent is not working and there is a minor child born of the said wedlock. The Respondent as well as the child is totally dependent upon the Petitioner for their day to day sustenance. The Trial Court has come to a finding that there is no

material to show that any provision for the maintenance of the wife and minor child has been made by the Petitioner. The Trial Court has also considered that the monthly salary of the Petitioner is about Rs. 30,120/- and also the 7/12 extract which shows agricultural land in his name. As such the Trial Court considered that apart from the monthly salary, there is also an agricultural income.

5. The submission of learned counsel for the Petitioner is that the dependents have not been taken into account is contrary to the record. The Trial Court has considered the liability of the Petitioner to maintain himself, his mother and sister and has also considered that the Respondent and the minor child does not have any source of income and have accordingly on the basis of the salary certificate, granted interim maintenance of Rs. 4,000/- to the Respondent-wife and Rs. 3,000/- to the minor child.

6. There is no reason to interfere with the discretion of the Trial Court on the issue of grant of interim maintenance. The Trial Court has taken into consideration all the relevant factors and has thereafter granted the maintenance of Rs. 7,000/-.

7. The Petition is devoid of merits and stands dismissed.

(SHARMILA U. DESHMUKH, J.)