

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1740 OF 2021

Prashant Narayan Kunder

..... Petitioner

VERSUS

Neetha Prashant Kunder

..... Respondent

Ms. Shilpa Gautam for the Petitioner.

Ms.Neha Bachim i/b. Kulkarni & Associates for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 25 APRIL, 2024

P.C. :-

This petition has been filed by the husband challenging an interim maintenance order passed by the Family Court, Mumbai on 6 September, 2018.

2. By the impugned order, the Family Court had directed the respondent to pay interim maintenance at the rate of Rs.40,000/- per month to the wife under section 24 of the Hindu Marriage Act from the date of the said application i.e. on 20 June, 2017.

3. Admittedly, the outstanding amount as of today is Rs.32,00,000/-. The respondent herein/wife has already filed an execution application and the warrant has already been issued against the petitioner husband.

4. Ms. Shilpa Gautam, learned counsel appearing for the petitioner submits that the petitioner is residing in the City of Mumbai. She submits that it will not be possible for her client to pay the outstanding amount, her client is not able to pay the outstanding amount.

5. The petitioner/husband is working in the film industry and is not ready to comply with the directions given by the Family Court, in order to show his *bona fide*.

6. The Family Court held that the husband is working as Post Production Supervisor in "Dharma Production". The husband has not come forward and produced on record, his bank statement, investment record, fixed deposits, mutual funds, shares, gold or

otherwise to show how much is his wealth. There is no denial that the husband is working with Dharma Production. But, the husband claimed that he is working on contract basis. The husband further admitted that currently he was working with Penta Post, and gets work when Dharma Production provides work. No details of income received from contract is provided. The wife has submitted that though she was educated, but she was a housewife and jobless and lives at Belagavi. It was also allegation of the husband that the wife is suffering from psychiatric ailment. The wife had sought maintenance of Rs.50,000/- per month. The Family Court had granted interim maintenance under the provisions of section 24 of the Hindu Marriage Act @ Rs.40,000/- per month.

7. There is no merit in the arguments made by the learned counsel appearing for the petitioner.

8. Writ petition is dismissed.

9. The Family Court should proceed with the execution application including the distress warrant.

[RAJESH S. PATIL, J.]