

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 292 OF 2024

Harsh Mahesh Thaker

...Petitioner

VERSUS

State of Maharashtra & Anr.

...Respondents

Ms.Bhagyalaxmi Dhakuwa a/w. Ms.Bhavna Nikam, Mr.Prashant M. for the Petitioner.

Mr.Abhijeet Naik, A.G.P for the Respondent No.1.

Mr.Suresh Sabrad a/w. Mr.Pratik Sabrad for the Respondent No.2.

CORAM: RAJESH S. PATIL, J.

DATE : 10 MAY, 2024

P.C. :-

This writ petition has been filed by the husband challenging an interim maintenance order granted by the Family Court, Mumbai on 8 May, 2023.

2. The Family Court has arrived at the conclusion that an interim maintenance for Rs.15,000/- per month should be granted to the wife. The said conclusion has been arrived by the

Family Court on the basis of the findings recorded in paragraph no.12 of the order. Paragraph no.12 of the impugned order reads as under :-

12. Perusal of the bank statement of petitioner of the account in ICICI Bank shows that regular credit entries by way of transfer from Mrs. Raksha Mahesh Thaker are found. She is the mother of petitioner. In his application at Exh.16 and the reply at Exh.17 petitioner says that he is surviving at the mercy of his parents. These entries could fortify the statement of petitioner about his survival at the mercy of his parents. But these entries when examined in consonance with the other entries, this inference cannot be drawn. Because it is seen from the account statement of petitioner that he has regularly paid money to a firm, probably an insurance company. Petitioner has produced his credit card statements. These statements show that he has spent money on wine shops, salon and outlets like McDonalds etc. The account statement also shows that petitioner has time and again travelled different parts of the country like Delhi and Chennai. It is difficult to believe that a person with no income since 2019 goes on paying insurance premiums and recurrently spends money on buying liquor and spending at outlets like McDoralds. It is highly improbable that an educated person would take money from his mother for these expenditures Therefore, there is every reason to infer that petitioner has created entries of transfer of amounts from his mother to his accounts to demonstrate his unemployment or lack of funds only with an intention to evade the liability of paying maintenance to respondent.

3. Admittedly, as of today, the petitioner/husband has not paid a single rupee of the interim maintenance granted by the Family Court. The outstanding amount as of today is roughly Rs.5,40,000/-.

4. In order to show his *bona fide*, without prejudice to the rights and contentions of the parties, the petitioner is directed to deposit a sum of Rs.5,40,000/- with the Family Court, Mumbai within a period of four weeks from today.

5. So also, the petitioner will deposit on the 10th day of each month starting from June 2024, a sum of Rs.15,000/- as interim maintenance with the Family Court, Mumbai till further orders passed by this Court.

6. If the outstanding amount is not deposited by the petitioner, within a period of four weeks from today with the Family Court, Mumbai, writ petition to stand dismissed without further reference to Court.

7. In the meantime, further proceedings of the Petition A No. 317 of 2020 pending before the Family Court, Bandra is stayed.

[RAJESH S. PATIL, J.]