

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3407 OF 2024

Subhash s/o. Mahesh Sharma **Petitioner**

VERSUS

State of Maharashtra & Anr. **Respondents**

Mr.Anand Mishra i/b. Mr.A.M.Saraogi for the Petitioner.

Ms. D.S.Deshmukh A.G.P for the State – Respondent No.1.

CORAM: RAJESH S. PATIL, J.

DATE : 7 MARCH, 2024

P.C. :-

Mr.Mishra, learned counsel appearing for the husband states that the impugned order was passed on 22 January, 2024 by the Family Court, Thane, thereby directing the petitioner husband to pay a sum of Rs.70,000/- per month as interim maintenance to the wife from the date of the application i.e. 21 November, 2023.

2. He submits that the Court has not noted the lifestyle and the income which the wife is deriving. He submitted that inspite of the fact that the petitioner is ready and willing to offer the

respondent wife to stay in a flat in the same building in which the respondent wife is residing, on the second floor since the said flat is owned by the petitioner husband. The wife is insisting to stay in the flat which according to her is a matrimonial home and is owned by the parents of the petitioner. He submits that there is total non-cooperative attitude of the respondent wife. He submits that the Court has not taken into consideration that the petitioner's salary out of the company in which he has 12% of the share, is only Rs.1,23,558/- per month. Therefore, according to him, directing the petitioner husband to pay a sum of Rs.70,000/- per month towards interim maintenance is far too much.

3. In order to show his *bona fide*, the petitioner is directed to deposit the outstanding amount of Rs.2,10,000/- before the Family Court which is payable till 21 February, 2024, within a period of three weeks from today.

4. Subject to the deposit of the amount, issue notice to the

respondent no.2, returnable on **26 April, 2024**.

5. Apart from the Court notice, the petitioner is also permitted to serve the respondent no.2 by private notice, by all permissible modes of service and file affidavit of service before the next date of the hearing.

6. Ms. Deshmukh, learned A.G.P. waives service on behalf of the respondent no.1.

7. Subject to the deposit of the amount as directed, there will be *ad-interim* relief in terms of prayer clause (b) till the next date of the hearing. The said prayer clause (b) reads as under :-

(b) That pending the hearing and final disposal of the present petition, effect and implementation of the order being order dated 22/01/2024 passed by Thana Family Court (Thane) on Exhibit No. 44 taken out M.P. NO. A/238/2018 be stayed on such terms as this Hon'ble Court may deem fit and proper in the matter.

[RAJESH S. PATIL, J.]