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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13873 OF 2024**

Gopal Vilas Ghanwat ... Petitioner
Vs.
Sushila Gopal Ghanwat ... Respondent
Mr. Ganesh Bhujbal for the Petitioner.

CORAM : GAURI GODSE, J.

DATE : 21st OCTOBER 2024

ORDER :

1. This petition takes an exception to an interim order of maintenance dated 27th December 2022 granting Rs.4000/- per month to the respondent-mother and Rs.6000/- each to the two daughters.

2. Learned counsel for the petitioner submits that the petitioner is an agriculturist and has no other independent source of income. Learned counsel for the petitioner submits that the petitioner has denied respondent's allegation that the petitioner had income of Rs. 20,00,000/- in the last three years. He submits that in the reply the petitioner has denied that he has income of Rs. 1,00,000/- from

agricultural land as alleged by the respondent.

3. Learned counsel for the applicant thus submits that in the absence of any document to show his income, the learned Judge has quantified an amount of Rs.16,000/- towards maintenance of respondent-wife and two minor daughters.

4. I have perused the papers of the petition. The impugned order is passed on 27th December 2022 . The petitioner filed a Family Court Appeal in May 2024. The said Family Court Appeal is disposed of as withdrawn with liberty to file Writ Petition. The said order is passed on 23rd August 2024.

5. The present petition is filed on 6th September 2024. There is no explanation for filing the Family Court Appeal or this petition at a belated stage. The petition suffers from delay and laches. There is no explanation regarding the delay in challenging the impugned order.

6. A perusal of the reasons recorded in the impugned order indicates that the petitioner failed to disclose his source of income and his true income. Except for denying respondent's contentions, the petitioner has not disclosed his income.

7. I do not see any reason to disbelieve the amounts quantified by the learned Judge of the Family court for accepting petitioner's income of at least around Rs.30,000/- per month. In the absence of any disclosure made by the petitioner, learned Judge has considered the contentions of the respondents and arrived at an amount of Rs.16,000/- towards interim maintenance.

8. Considering the requirement of the two minor daughters learned Judge has passed an order directing interim maintenance of Rs. 6000/- per month to each daughters and an amount of Rs. 4000/- to the respondent-wife. Considering the expected income of the petitioner, the amount of interim maintenance granted is a negligible amount. It is not disputed that the respondent has no independent source of income.

9. There is no illegality or perversity in the reasons recorded in the impugned order. This is not a fit case to exercise powers under Article 227 of the Constitution of India.

10. The petition is devoid of merits. Hence, Writ Petition is dismissed.

[GAURI GODSE, J.]