



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1495 OF 2021
(DEEPAK NARAYAN GAJRANI..VS.. SMT. VIDHI DEEPAK GAJRANI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Dr. (Ms) Renuka Sirpurkar, Advocate for Petitioner.
Shri Sahil Dewani, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 10, 2024.

1. Heard.
2. The order granting interim maintenance to the minor daughter of the petitioner vide order dated 27/01/2021 by the Principal Judge, Family Court, Nagpur in Petition No. A-1047 of 2018 is under challenge in this writ petition.
3. The ground on which the challenge is raised is that the amount of Rs.30,000/- per month is exorbitant considering the age of the child. It is submitted that on the date when the application was moved the child was two years' old and presently she is six years' old. It is submitted that considering the amount required for tuition fees, school fees and other expenses, the maximum amount for maintenance could be Rs.15,000/- and not in any case Rs.30,000/-.

4. It is further submitted that the Family Court has not taken into consideration the income of the petitioner while granting the interim maintenance.

5. On the other hand, the learned counsel for the respondent supports the order and submits that the learned Family Court has recorded detailed reasons for arriving at the amount of Rs.30,000/- as maintenance. He, therefore, prays that the petition may be dismissed.

6. In light of the rival contentions I have perused the record and the impugned order.

7. It has come on record that the petitioner is doing the business and running a shop of electrical appliances. Whereas, the respondent/ wife is serving as Software Engineer.

8. Though the learned Family Court has discussed about the annual income of the petitioner taking the help of the Income Tax Returns filed by the petitioner and also the affidavit of Assets and Liabilities, the Family Court has not given any justification to arrive at a figure i.e. Rs.30,000/- towards interim maintenance.

9. The learned Family Court has not discussed anything about the lifestyle and standard of living of the parties and the actual expenses required for the daughter

and jumped to the figure of Rs.30,000/- merely observing that “*Considering the life style and standard of living of the parties, income and personal expenses of the petitioner and the basic requirements of daughter ‘Jeenal’ and her educational expenses, Rs.30,000/- per month towards her interim maintenance will be just and proper from the date of this application i.e. 27.03.2019 till disposal of the petition. ...*”

10. The Family Court has given much weightage to the cost of the house of the petitioner and his foreign trip to Singapore. However, there is no discussion about the actual expenses which will require for the maintenance of daughter or what is the life style and standard of living to determine the amount of maintenance.

11. In the circumstance, I am of the opinion that the matter needs to be remanded back to the Family Court to decide the same afresh. Accordingly, I pass the following order:

- i) The Writ Petition is partly allowed.
- ii) The impugned order dated 27/01/2021 passed below Exh.16 and 19 by the learned Principal Judge, Family Court, Nagpur in Petition No.A-1047/2018 is modified to the extent that the petitioner shall pay Rupees Twenty Thousand

per month to daughter Jeenal towards interim maintenance from the date of application i.e. 27/03/2019 till disposal of the petition.

- iii) The Family Court is directed to decide the application afresh, after hearing the parties, within two months from the next date fixed before it.
- iv) The parties shall cooperate for expeditious disposal of the application.

The Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE