

Vaibhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6096 OF 2024

Srinivas Vekat Reddy

...Petitioner

Versus

Mrs. Meenakshi Srinivas Reddy

...Respondent

Mr. Vijay Vasant Nene, for Petitioner.

Dr. Uday P. Warunjikar, for Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 09 JANUARY 2025

P.C.:

1. Heard Mr. Nene, learned Counsel appearing for the Petitioner and Dr. Warunjikar, learned Counsel appearing for the Respondent.
2. By this Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the order dated 16th March 2024 passed by the Learned Judge, Family Court No.2, Pune below Exhibit-15 in Petition No.A-299/2022. By the impugned order, the learned Trial Court has granted maintenance of Rs.15,000/- each to the Respondent-wife and two daughters. Thus aggregate maintenance granted is Rs.45,000/- per month.
3. It is the main contention of Mr. Nene, learned Counsel appearing for the Petitioner, that the Petitioner's salary is Rs.1,50,000/- per month and his expenses are Rs.1,88,220/-. Mr. Nene, learned Counsel also

pointed out that although Divorce Petition was filed on 4th February 2022 by the Petitioner and they started staying separately since 22nd December 2021 the dispute between them started earlier and from December 2021 onwards huge amount totally aggregating to about Rs. 23,75,267/- were transferred by the Respondent in the account of her mother. He further submits that the Respondent has filed the Income Tax Returns however the same are not disclosed. He therefore, submitted that the impugned order be quashed and set aside.

4. On the other hand Dr. Warunjikar, learned Counsel appearing for the Respondent points out contentions raised in paragraph No.3 in the Affidavit-in-Reply dated 22nd October, 2024 filed by the Respondent. In paragraph No.3, it is stated that in the year 2022, the Petitioner has uploaded his resume on website of Naukari dot.com, where he has claimed that he was drawing annual salary of around Rs.32,65,000/- i.e. Rs.2,73,000/- per month. He submitted that the amount, which has been transferred by the sister of the Respondent for the benefit of the mother of the Respondent, was deposited in the account of the Respondent. He submitted that the Respondent is housewife without any income and the I.T. Returns were filed by the Petitioner as he used to look after the said work. He submitted that two daughters, aged 15 years and 9 years, are staying with the Respondent and therefore the maintenance granted is appropriate.

5. Perusal of record shows that the income of the Petitioner is not Rs.1,50,000/- as claimed by the Petitioner but much more.
6. As far as the maintenance which has been granted to the daughters at the rate of 15,000/- each, nothing has been pointed out to interfere in the said part of the Order.
7. However, as far as the maintenance granted to the Respondent is concerned it has been pointed out by Mr. Nene, learned Counsel that an aggregate amount of Rs.23,75,267/- has been transferred during the period of December 2021 to February 2022 from the account of Respondent to her mother's account.
8. Dr. Warunjikar, learned Counsel appearing for the Respondent submits that in fact the said amount was sent by the sister of the Respondent for the benefit of the mother of the Respondent. Dr. Warunjikar, points out Page Nos. 360 & 361 of the Affidavit-in-Reply and submits that the said amounts were received by the Respondent from her sister and they were kept in the Fixed Deposit for the benefit of the parents of the Respondent.
9. However, it is required to be noted that the said amounts were deposited in the account of the Respondent, by the sister of the Respondent since the year 2008 onwards and the same were transferred in the account of the mother between the period of December 2021 till February 2022, when the dispute between the Petitioner and the

Respondent has started. Thus, as far as the maintenance amount of Rs. 15,000/- per month granted to the wife is concerned, this aspect has not been taken into consideration by the learned Trial Court. Accordingly, as far as Respondent is concerned instead of maintenance amount of Rs. 15,000/- per month, the same is reduced to Rs.10,000/- per month by taking into consideration all the aspect on record. Thus the maintenance of Rs. 45,000/- in aggregate granted by the learned Family Court to the Respondent and two daughters at the rate of Rs.15,000/- to each is consequently reduced to Rs.40,000/- per month i.e. Rs.15,000/- each to two daughters and Rs.10,000/- per month to the Respondent-wife. It is clarified that in the facts and circumstances the said reduction will be applicable w.e.f. 1st January 2025. It is further clarified that except above modification no other modification is warranted in the impugned order.

10. The Writ Petition is disposed of, by confirming the impugned order passed by the learned Judge, Family Court subject to the above modification.

[MADHAV J. JAMDAR, J.]