

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.18932 OF 2024

Manoj Kumar Jaiswal

...Petitioner

Versus

Meenakshi Poptani

...Respondent

Mr. Anubhav Mardikar a/w Ms. Shweta Ankalwar, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED: 13 FEBRUARY 2025

P.C.:

1. Heard Mr. Mardikar, learned Counsel for the Petitioner.
2. By the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the legality and validity of the Order dated 3rd September 2024 passed by the learned Judge, Family Court No.2, Pune below Exhibit – 5 in Petition No.A – 121 of 2021 (“**impugned Order**”). By the impugned Order, the learned Judge, Family Court, Pune has directed payment of Rs.1,50,000/- per month to the Respondent and minor daughter – Riya towards their interim maintenance from the date of Application i.e. 19th December 2020 till further Order.
3. It is the main contention of Mr. Mardikar, learned Counsel for the Petitioner that although the Petitioner is getting salary of 2,00,000 USD,

there are several expenses and the said expenses are set out in Paragraph No.16 of the Reply of the Petitioner. Said Paragraph No.16 reads as under :-

*“16. **As to Para no.-16** – That the contents of para 16 under reply are false fabricated, frivolous and vexatious hence wrong and the same are vehemently and specifically denied in toto.*

The respondent's mother has never been to Pune. So the mention of respondent's mother staying in the Pune property at C-406, B.T. Kawde Road, is a blatant and mischievous lie by the petitioner to influence the court.

The petitioner carefully mentions the earnings of the respondent but willingly forgets to mention the expenses. Out of the respondent's 200,000 USD earnings, as mentioned by the petitioner, following are the high-level expenses in USD.

1. Tax cuts of around 40%: \$80,000
2. Monthly mortgage and HOA: 12* (3200+330)=~\$42,000
3. Insurance on Car and House: 12 * 301=~\$3,600
4. Monthly deposit into Riya's saving account: 12* 1000=\$12,000
5. Monthly deposit into petitioner's India account: 12* 1000=\$12,000
6. India Trips 3* 2*1000=~\$6000
7. Credit card bills from daily expenses: 12* 1000=~\$12,000
8. Electricity, Gas, Trash, Water and Internet Bill = 12* 400 = \$4,800
9. Petrol for office commute = 12 * 167 =~\$2,000
10. Medical expenses for mother: 12* 1,000=~\$12,000
11. Expenses while in India: \$5,000
12. Cash expenses like grocery, cook, etc.: 12* 700=8,400

Total savings = 200,000-(80,000+42,000+3,600+12,000+12,000+6,000+12,000+4,800+2,000+12,000+5,000+8,400)=1,99,800

This leaves only about 200 USD as savings per year.

Also, the contents in the para regarding respondent transferring properties to his brother's name are purely the petitioner's imagination and are being vehemently denied.”

4. The said Paragraph No.16 shows that the Applicant is depositing 1000 USD per month in the account of the minor daughter – Riya and also depositing 1000 USD per month in the Respondent's account.
5. Mr. Mardikar, learned Counsel for the Petitioner submitted that the said amount which is being deposited in the account of the daughter – Riya is for her investment purpose in USA. He further submitted that the Petitioner is regularly paying Rs.80,000/- per month in the account of the Respondent as maintenance. Therefore, the impugned Order is required to be quashed and set aside.
6. In view of the above Reply filed by the Petitioner and the contentions raised by the learned Counsel for the Petitioner, it is relevant to note the observations of the learned Judge, Family Court, Pune in Paragraph No.10, which reads as under :-

“10. The applicant has claimed Rs. 1,50,000/- towards interim maintenance. Opponent has shown big heart by admission in his defence that he was 100% responsible for every expenses of applicant. He submits that he sends around Rs.80,000/- every month, lumpsum one time money. It is pertinent to note that the opponent has come with specific defence that he is voluntarily paying/depositing U.S. \$ 1,000 in the account of applicant and U.S. \$ 1,000 in the account of minor daughter Riya. This amount itself comes more than Rs. 1,50,000/- per month. The opponent has specifically mentioned that applicant has other sources of income. The

applicant has not denied this fact. Considering the admission by the opponent himself, this Court is of opinion that Rs. 1,50,000/- per month towards interim maintenance for applicant and minor daughter is justifiable claim.”

7. Thus, the learned Judge, Family Court, Pune has granted maintenance of the reasonable amount. In the facts and circumstances of this case, no interference in the impugned Order under the jurisdiction of this Court under Article 227 of the Constitution of India is warranted.

8. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]