

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2940 OF 2024

Apurva Shah S/o Panubhai Shah ...Petitioner

Through a registered Power of Attorney

Devang Narendra Shah

Versus

Beena Shah W/o Apurva Shah & Anr. ...Respondents

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Ms. Yogita Deshmukh, for the Petitioner.

Mr. Arjun Kadam i/b Ms. Jinal Sanghvi, for Respondent No.1.

Ms. S. G. Talhar, APP, for the Respondent - State.

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CORAM: MADHAV J. JAMDAR, J.

DATED: 13 MARCH 2025

P.C.:

1. Ms. Deshmukh, learned Counsel for the Petitioner and Mr. Kadam, learned Counsel for the Respondent No.1.

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 5th April 2024 passed by the learned Family Court No.3, Mumbai in Interim Application No.190 of 2022 in Petition No. E-146 of 2020 ("impugned Order").

3. By the impugned Order, an amount of Rs.75,000/- per month has been directed to be paid to the Respondent - wife till the disposal of the Petition. The learned Judge, Family Court, Mumbai has taken into consideration the income of the Petitioner and the same is discussed in

Paragraph No.7 of the impugned Order. The relevant part of the same reads as under :-

*“7. Petitioner has attributed income of Rs.14,84,000/- per month to respondent in clause K(5) of her affidavit of assets and liabilities. This figure is classified as bimonthly income of Rs.5,00,000/- from NXG – Al Qusias - 2 interest from loan Rs.20,000/- per month, interest on FD Rs.82,120/- per month, rent from flat at Dubai Rs.1,26,000/- per month and salary of Rs.7,56,660/- per month. ...”*

4. Thus, the learned Trial Court has come to the conclusion that the salary of the Petitioner is Rs.7,56,660/- per month and total monthly income of the Petitioner is Rs.14,84,000/-.

5. Ms. Deshmukh, learned Counsel for the Petitioner states that the present salary of the Petitioner is about Rs.4,00,000/-. Even if it is assumed that the same is the salary of the Petitioner, still the maintenance of Rs.75,000/- granted is most reasonable.

6. There is nothing on record to show that the Respondent - wife is working anywhere. It is also required to be noted that the learned Family Court has also taken into consideration the aspect that the Respondent - wife is suffering from cancer.

7. Accordingly, no interference in the impugned Order under the jurisdiction of this Court under Article 227 of the Constitution of India is warranted.

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

[MADHAV J. JAMDAR, J.]