



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4156 OF 2024

Aashish s/o Ashok Dhumal,
Age : 34 years, Occupation : Service,
Residing at House No.5-3-13,
Behind Ajanta Hostel, Near Tara Pan Center,
Old Osmanpura, Aurangabad.

... PETITIONER
(Orig. Respondent)

VERSUS

Mrs. Rashmi w/o Aashish Dhumal,
Age : 33 years, Occupation : Household,
Residing at c/o Mr. Devidas Shankar Dhumal,
Plot No. 546, CIDCO, Waluj, Mahanagar-1,
Near Kids Cambridge School, Aurangabad,

... RESPONDENT
(Orig. Applicant)

Mr. Kshitij Surve, Advocate for Petitioner (Through VC)
Mr. N. K. Tungar, Advocate for Respondent

CORAM : S. G. CHAPALGAONKAR, J.
RESERVED ON : 2nd FEBRUARY, 2026
PRONOUNCED ON : 6th FEBRUARY, 2026

FINAL ORDER :-

1. The present Writ Petition takes exception to order dated 14.03.2024 passed by Principal Judge, Family Court, Aurangabad below Exhibit 21 in Petition No. A-66/2023 (Interim Application No.140/2023), thereby granting interim maintenance of Rs.20,000/- per month to Respondent.

2. The Respondent instituted proceeding for restitution of conjugal rights against Petitioner before Family Court at Aurangabad. She filed an application under 24 of Hindu Marriage Act, 1955 for interim maintenance which has been allowed directing Petitioner to pay maintenance of Rs.20,000/- per month from date of application.

3. Mr. Surve, learned Advocate appearing for Petitioner would submit that exponential interim maintenance has been granted in favour of Respondent on the basis of erroneous appreciation of material on record. He points out that although Respondent/wife alleges that Petitioner has dual sources of income i.e. from his service and CAB, Car business, there is nothing on record to show actual income from so called business. The Petitioner earns Rs.40,975/- as gross salary and his net pay is Rs.39,415/- only. The Petitioner is maintaining himself and his mother. Therefore, grant of interim maintenance of Rs.20,000/- per month is illegal.

4. Per contra, Mr. Tungar, learned Advocate appearing for Respondent/wife, justified impugned order contending that Petition No. A-66/2023 is now fixed for evidence of Petitioner. The evidence of Respondent/wife is already closed. It is expected that Family Court would shortly decide main petition. He would further submit that, undisputedly Petitioner is in service and getting monthly salary of Rs.40,975/-. There is sufficient material

on record to show that Petitioner is partner in travel business. He has purchased a apartment worth of Rs.60 lakhs in Usmanpura area and having handsome investments in fixed deposits and mutual fund. The Petitioner's mother is pensioner and none else is dependent upon him except Respondent/wife and daughter.

5. Having considered submissions advanced, it can be observed that, undisputedly Petitioner has salaried income. The Respondent/wife is separately residing and taking care for daughter. There is nothing to show that Respondent has independent source of income. Admittedly, Petitioner's mother is pensioner as such, except for Respondent/wife and daughter, there is no other dependent upon Petitioner. It is legal and moral responsibility of Petitioner to maintain Respondent/wife and daughter. It is informed that daughter is aged about 3 years and must be admitted in school. Looking to status of family, evidence as to income of Petitioner, the Family Court has rightly passed order granting interim maintenance of Rs.20,000/- per month.

6. No case is made out to interfere in impugned order passed by Family Court. Hence, petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp