

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8593 OF 2025

Appu Jacob Zachariah

... Petitioner

V/s.

Susan Thomas

... Respondent

Ms. Charmaine Bocarro a/w Mr. Vivek Sharma, Advocate for the Petitioner in WP/8593/2025 and Respondent in CP/35/2026.

Ms. Prabha Badadare, for Respondent in WP/8593/2025 and Petitioner in CP/35/2026.

CORAM : MADHAV J. JAMDAR, J.

DATED : 13th FEBRUARY 2026

P.C.:

1. Heard Ms. Bocarro, learned counsel appearing for the Petitioner and Ms. Badadare, learned counsel appearing for the Respondent.
2. By the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the legality and validity of order dated 4th October, 2024 passed by learned Principal Judge, Family Court, Mumbai, by which maintenance of 15,000/- per month has been directed to be paid to the child.
3. It is the contention of the learned counsel appearing for the Petitioner that, the Petitioner is a jobless person. She submits that Rs.3,000/- per month has been directed to be paid as per the interim order dated 25th January, 2023 which the Petitioner has paid. She therefore submits that the impugned order be quashed and set aside.

She further submits that the Respondent – Wife is an administrator in a School belonging to her father.

4. Ms. Badadare, learned counsel appearing for the Respondent submits that the Petitioner is a qualified mechanical engineer and having a family business of garment retail shops with four branches in Kerala and is earning high income. She submits that the Petitioner is capable of paying the maintenance as per the impugned order.

5. Perusal of the record shows that maintenance of Rs.15,000/- per month has been granted to the child.

6. It is an undisputed position that the Petitioner is a qualified Mechanical Engineer. The Affidavit of Assets and Liabilities shows that the Petitioner is a B- Tech graduate.

7. Although, it is the contention of Respondent that the family is having a business of garment retail shops, it is the submission of Ms. Bocarro, learned Counsel for the Petitioner that the said business belongs to the father of the Petitioner and the Petitioner is not concerned with the said business. It is the contention of Ms. Bocarro, learned Counsel for the Petitioner that the Petitioner is not earning anything and he is being maintained by his family.

8. Considering that the Petitioner is highly qualified being mechanical engineer (B-Tech Graduate), the case put up by the Petitioner that he is not earning anything can not be accepted. It is an admitted position that the Petitioner's family has four garment retail shops and has huge income.

9. Thus, in the the facts and circumstances, no interference is warranted under Article 227 of the Constitution of India. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)