



2025:UHC:4616

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 733 of 2025

Smt. Priya Bhardwaj Batra

.....Petitioner

Versus

Manish Batra

.....Respondent

Presence:-

Mr. Nalin Saun, Advocate for the petitioner.

Dated : 06.06.2025

Hon'ble Vivek Bharti Sharma, J.

This petition is filed by the petitioner/accused for quashing/setting aside the impugned order dated 01.05.2025 passed by the learned Principal Judge, Family Court, Dehradun, whereby the application for directing respondent/husband to file fresh affidavit of his assets and liabilities filed by the petitioner in Misc. Case No. 434 of 2019 was dismissed.

2. Learned counsel for the petitioner would submit that the present matter pertains to matrimonial discord between the petitioner and the respondent, who are wife and husband respectively; that, the petitioner has filed an application under Section 125 Cr.P.C. seeking maintenance from the respondent; that, the Family Court, Dehradun had earlier granted interim maintenance in favour of the



petitioner/wife.

3. Learned counsel for the petitioner/wife would further submit that the petitioner/wife moved an application before the trial court seeking a direction to the respondent/husband to file a fresh affidavit of his assets and liabilities for the reason that the earlier affidavit was filed around 28.10.2021 and since then the respondent/husband has allegedly received four promotions and is now drawing a salary of ₹ 3 lakhs per month along with incentives in foreign currency.

He would further submit that while the respondent/husband filed a reply to the said application but there was no specific denial of the assertion regarding the promotions; that, the trial court without properly considering these facts dismissed the application of the petitioner/wife in a cursory manner.

4. Perused the record in light of the submissions made by learned counsel for the petitioner/wife.

5. A perusal of the reply filed by the respondent/husband would reveal that there is no specific denial of the averment regarding the four promotions of respondent since the filing of the last affidavit, therefore, in the absence of a



specific denial, the matter certainly warrants further examination. Moreover, the impugned order dated 01.05.2025 reveals that the Family Court rejected the application merely on the ground that the respondent/husband cannot be compelled to file a fresh affidavit

6. This Court is of the considered view that the approach adopted by the trial court is not furtherance of justice and in consonance with law. It is the duty of the court to fully examine relevant facts for proper dispensation of justice. Where a specific averment has been made by the petitioner that the respondent's financial position has changed materially since the last affidavit, it is indeed in the interest of justice that the respondent be directed to submit a fresh affidavit of his assets and liabilities.

7. Accordingly, having considered the submissions and the record, this Court finds it to be a fit case for exercising its inherent jurisdiction under Section 528 B.N.S.S.. The impugned order dated 01.05.2025 is hereby set aside. The application filed by the petitioner/wife seeking a direction to the respondent/husband to file a fresh affidavit is allowed. The respondent/husband is directed to file a fresh affidavit regarding his assets and liabilities before the court concerned within a period to be fixed by



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trial court.

8. The C-528 petition stands disposed of accordingly.

9. Let a copy of this order be sent to the concerned Family Court for information and compliance.

(Vivek Bharti Sharma, J.)

06.06.2025

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