

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

MA No. 43/2025

Date of pronouncement: 21.07.2026

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**Sanjay Arora, Age 54 years
S/O Late Roshan Lal Arora
R/O 64/3, Extn-2, Gali No. 5,
Radheypuri, Delhi-51**

.... Petitioner(s)/Appellant(s)

Through:- Ms. Snigdha Shekhar, Advocate

V/s

**Kailash Arora
W/O Sh. Sanjay Arora
D/O Late Inder Kumar Sethi
R/O H. No. 3511, Mohalla Paharian,
Jammu**

.....Respondent(s)

Through:- Mr. Anuj Dewan Raina, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE
ORDER (ORAL)**

1. Heard learned counsel for the parties at length. The grievance projected in the present appeal is that the learned Additional Principal Judge, Family Court, Jammu "the trial court" proceeded to pass the impugned order awarding interim maintenance of Rs.14,000/- per month without first directing the parties to file their respective Affidavits of Assets and Liabilities, as mandated by the law laid down by the Hon'ble Supreme Court. Learned counsel for the appellant submits that the appellant is earning only Rs.12,000/- per month, being the rental income from shops owned by him, and that the maintenance awarded is beyond his financial capacity.
2. It is contended that the learned Family Court failed to appreciate that the appellant's only source of income is the rental income of

Rs.12,000/- per month from a single commercial property, and that the maintenance awarded exceeds his financial capacity.

3. It is further argued that the respondent is already receiving Rs.4,000/- per month as maintenance in proceedings under the Protection of Women from Domestic Violence Act, and that, in view of the directions issued by the Hon'ble Supreme Court in **Rajnish v. Neha**, the Trial Court ought to have taken into consideration the maintenance already awarded and adjusted the amount while granting maintenance in the present proceedings.
4. Per contra, learned counsel for the respondent submits that the appellant is a man of substantial means, earning approximately Rs.2,00,000/- per month, is engaged in the business of property dealing, and is also an income-tax payee. It is contended that, after considering the pleadings and submissions of both parties, the Trial Court awarded Rs.10,000/- per month as maintenance in the present proceedings, in addition to the Rs.4,000/- per month already being received by the respondent under the Domestic Violence Act.
5. The guidelines issued by the Hon'ble Supreme Court in **Rajnish v. Neha** envisage adjustment of maintenance awarded in different proceedings so as to avoid duplication, while at the same time preserving the parties' right to seek appropriate relief before the competent forum.
6. The principal grievance of the appellant is that the Trial Court awarded interim maintenance without examining his actual financial capacity and without calling for the Affidavits of Assets and Liabilities.

7. A perusal of the record reveals that the Trial Court proceeded on the basis of the respondent's pleadings alleging that the appellant was earning Rs.2,00,000/- per month and was working as a property dealer. Before this Court, however, the appellant claims that he owns only a single-storey commercial complex, which has been let out on rent, yielding an income of Rs.12,000/- per month. This stand is inconsistent with the pleadings filed before the Trial Court, wherein the appellant merely disputed the respondent's allegation regarding his monthly income without disclosing his own source of income or placing any material regarding his financial status on record. In these circumstances, no fault can be found with the impugned order.
8. The order under challenge is purely an interim order passed on the basis of the pleadings then available before the Trial Court. Such an order is always open to modification if the appellant is able to establish, by cogent material, that his actual earning capacity is substantially lower than what has been alleged by the respondent. Upon this aspect being pointed out, learned counsel for the appellant fairly submitted that the issue involves disputed questions of fact which can appropriately be adjudicated by the Trial Court and sought liberty to file a proper application for modification of the interim maintenance order along with the Affidavits of Assets and Liabilities. Learned counsel for the respondent has no objection to such a course.
9. In view of the aforesaid submissions, this Court is of the opinion that the impugned order does not warrant interference in appellate jurisdiction. Accordingly, the order is maintained. However, liberty is reserved in favour of the appellant to move an appropriate application

before the Trial Court seeking modification of the interim maintenance order by placing on record the requisite Affidavits of Assets and Liabilities and any other relevant material in support of his claim. If such an application is filed, the Trial Court shall consider and decide the same on its own merits after affording an opportunity of hearing to both parties.

10. The parties shall appear before the learned Trial Court on **10.08.2026**. It shall be open to the appellant to file the aforesaid application, which shall be considered independently and in accordance with law, without being influenced by any observations made in this order.
11. Any amount deposited during the pendency of the present appeal shall be released in favour of the respondent against proper receipt and shall be duly adjusted towards the arrears of maintenance, if any.
12. The appeal, along with all connected application(s), is accordingly **disposed of.**

(Sanjay Parihar)
Judge

JAMMU
21.07.2026
Asif Tantray

Whether the order is speaking: Yes
Whether the order is reportable: No