

N.S.Kamble

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11708 OF 2022

Anita Subramanian

...Petitioner

VERSUS

C Arun Chella Samraj Mulkesh

S/o Mr L Chelladuri(late)

...Respondent

**WITH
CONTEMPT PETITION NO. 56 OF 2025**

Anita Subramanian

...Petitioner

VERSUS

C Arun Chella Samraj Mukilesh

...Respondent

Mr.Sharad Bhosale, for the Petitioner in both Petitions.

Ms.Seema Carvalho a/w Ms.Kajal Wadhwana, Ms.Priyanka More i/b H.
Kumar Vaidyanathan, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER 2026

P.C. :

1. Heard learned counsel for the Petitioner and learned counsel for the Respondent.

2. The learned counsel for the Petitioner-wife submits that though the Respondent has adequate source of income, and the Petitioner had produced the documents in that regard before the learned Family Court, but that evidence was not considered by the learned Family Court. Hence, requested the matter be remanded to the Family Court for fresh hearing.

N.S.Kamble

3. The learned counsel further submitted that the Petitioner is fighting to receive maintenance since year 2019 and Respondent has not been paying the maintenance amount granted by the Family Court. The Petitioner is struggling to maintain herself and her son who is currently in 4th standard. Hence, requested to remand the matter to Family Court and expedite the hearing.

4. It is contention of learned counsel for the Respondent that the Petitioner has her own source of income. The learned Judge has passed well reasoned order. The opportunity was given to both the parties to lead the evidence. After leading evidence, the learned judge has passed well reasoned order and there is no need to remand the matter and requested to dismiss the Petition.

5. I have heard both learned counsel. Perused impugned judgment and order and documents produced on record.

6. In the impugned judgment the learned Judge has granted maintenance on the basis of the income of the Respondent-Husband, but there is no mention of rental income. It appears that the Respondent has deliberately shown less income. While passing the order, the learned Judge has not considered the evidence led by the Petitioner, Hence, I find it a fit case to remand the matter to Family Court and I pass following order.

N.S.Kamble

ORDER

- (i) The Petition is partly allowed.
- (ii) The order dated 26th November 2021 passed by the Family Court No.7, Mumbai is quashed and set aside.
- (iii) The matter is remanded to the Family Court for fresh hearing.
- (iv) The learned Judge shall decide the maintenance Application afresh by giving opportunity to both the parties to lead evidence in respect of their case and decide it on its own merits.
- (v) Till decision of the Application the Respondent shall pay maintenance already granted.
- (vi) As the Interim Application was filed in the year 2019, the learned Judge is requested to decide the maintenance Application as early as possible, preferably within four months, after receipt of this order.
- (vii) The Contempt Petition is accordingly disposed of.
- (viii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)