

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 196 OF 2019

Sau. Sonal Rakesh Bhattad. ..Petitioner.

v/s.

Shri Rakesh Bhikulal Bhattad. ..Respondent.

Mr. Girish R. Agrawal, advocate for petitioner.

Mr. Vikram Sathaye i/b. Ms. Yogita D. Chitnis, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 22, 2019.

P. C. :

1 Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The petitioner herein was receiving maintenance to the tune of Rs. 1,000/- under section 12 of the Protection of Women from Domestic Violence Act, 2005. The Petitioner had filed an application under section 24 of the Hindu Marriage Act, 1955, during the pendency of the divorce proceedings filed by the husband. Learned Extra Joint Civil Judge, Sr. Division, Nashik by

Talwalkar

an order dated 6/10/2018 has rejected the application of the Petitioner and held that there is suppression of fact by the petitioner. In this, she has not disclosed before the Extra Joint Civil Judge Sr. Division, Nashik that she is receiving maintenance of Rs. 1000/- for herself and Rs. 1000/- for her son.

4 Learned Counsel for the petitioner submits that after 6th October, 2018, he could lay hands upon certain documents, which would show that the income of the husband is not Rs. 30,000/- per month, but something more. In view of this, the Petitioner deserves to be filed a fresh petition before the Extra Jt. Civil Judge (S.D.), Nashik in Hindu Marriage Petition No. 181 of 2017 showing change in circumstances. However, it is made clear that the learned Judge shall not be influenced by earlier order and the objection regarding suppression of fact shall be waived.

5 Rule is made absolute in the above terms and Writ Petition is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]