

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 1601 OF 2020**

Madhumita Poddar Saha	...Petitioner
Versus	
Sudeep Kumar Saha	...Respondent

Mr. Abhinav Chandrachud a/w Mr. Gaurav Pandey, Mr. Dattatray Pathak,
Mr. Durgesh Goud i/b Mr. Gaurav Pandey for the Petitioner

Mr. Amrut M. Vernekar for the Respondent

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 11th MARCH 2020

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 5th
September 2019 passed by the learned Judge, Family Court No. 6, Bandra,
Mumbai, below Exhibit 7 in Petition No. A-1364/2017, by which, the
learned Judge rejected the petitioner's application seeking interim
maintenance for herself and for her son.

3 It appears from a perusal of the impugned order that the
petitioner had not produced any document to show her income i.e. balance-

sheet of her start-up company or her income-tax returns, as a result of which, the petitioner's prayer for interim maintenance was rejected.

4 Learned counsel for the petitioner states that the impugned order be quashed and an opportunity be granted to the petitioner to file an additional affidavit in the trial Court for bringing on record documents to show her income from the said start-up company and details of the expenses of the child.

5 Learned counsel for the respondent submits that the respondent has been paying the educational expenses as well as other expenses of the child apart from monthly maintenance of Rs. 25,000/- to the petitioner.

6 Be that as it may, a perusal of the impugned order shows that as the petitioner had not given any details of her income or any document i.e. the balance-sheet for her start-up company or income-tax returns or detail expenses for the child and herself, the interim application seeking maintenance was rejected. Thus, *prima facie*, no fault can be found in the impugned order.

7 However, in order to give one opportunity to the petitioner to produce relevant documents/material, the impugned order dated 5th September 2019 passed below Exhibit 7 in Petition No. A-1364/2017 is quashed and set-aside. Exhibit 5 application is restored back to its original file and the matter is remitted back to the trial Court for fresh consideration of the petitioner's application seeking interim maintenance.

8 The petitioner is at liberty to file an additional affidavit placing on record the income details and other documents pertaining to her income from the start-up company along with the expenses incurred by her for herself and for the child.

9 Needless to state that the respondent would also get an opportunity to file reply affidavit, if necessary. The learned Judge, Family Court to decide the said application afresh, on its own merits in accordance with law, after hearing the parties, uninfluenced by the earlier order. All contentions of all parties are kept open.

10 Petition is disposed of on the aforesaid terms.

11 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.