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Uday S. Jagtap

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

WRIT PETITION NO. 11949 OF 2022

Dr. Mandeep Kaur

.. Petitioner

Vs.

Jaspreet Singh Munday

.. Respondent

.....
Mr. S.S. Bhatagunaki for the petitioner
Mr. Sachin R. Pawar for the respondent
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 24th APRIL, 2023

P.C.

1. Heard Mr. Bhatagunaki, learned Counsel for the petitioner.
2. My attention is invited to the impugned order passed below Exh.8 by the Judge, Family Court, Thane while disposing of an application for grant of interim maintenance to the petitioner-wife that despite placing on record all the relevant documents, including affidavit of the petitioner, affidavit of income and liabilities and other material, the Judge, Family Court noted that

the applicant had failed to file affidavit in support of her claim as well as has failed to file her assets and liability statement.

3. *Ex-facie*, the observations of the trial Court appears incorrect in light of the Roznama of the said matter maintained by the said Judge and the entries, more particularly dated 27th October 2021 to that effect.

4. Learned Counsel for the respondent is *ad-idem* on the said point. The matter, therefore, needs to be remanded to the Family Court, Thane for reconsidering all the documents tendered by the petitioner before passing an order of grant or otherwise of the interim maintenance.

5. As such, the impugned order is quashed and set aside.

6. The case is remanded to the Family Court, Thane. The Judge of the Family Court, Thane shall take into consideration the documents stated hereinabove and after giving due opportunities to the respective parties shall pass a reasoned order in view of ratio laid down by the Supreme Court in the case of ***Rajnesh Vs. Neha & Anr. (2021) 2 SCC 324.***

7. The parties shall appear before the learned Judge, Family Court, Thane on 20th April, 2023.

8. The petition stands disposed of in the aforesaid terms with no order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)