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

WRIT PETITION NO.15975 OF 2022

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Rupali Mohan Jadhav

... Petitioner

V/s.

Mohan Ganpat Jadhav

C/o. Madhukar Kamble

... Respondent

Mr. Vikrant A. Khare with Mr. Pratik Sabrad for the petitioner.

Mr. Glen Aloysius C. i/by Ms. Maitrayee Gadhve for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 12, 2023

P.C.:

1. Rule. Rule is made returnable forthwith by consent.
2. The petition arises out of order dated 29th January 2022 on an application filed by the wife for review of order dated 9th November 2020 granting maintenance from the date of the order. The wife has filed application for review in terms of the judgment of the Apex Court in **Rajnesh v. Neha** reported in 2021 (2) SCC 324 seeking relief of modifying the order to grant maintenance from the date of the application.
3. The learned Trial Court by the impugned order rejected the review holding that the husband had paid amount of rent and

other goods for the maintenance of the wife during pendency of the application and, therefore, the order cannot be modified.

4. Learned advocate for the petitioner invited my attention to the judgment in **Rajnesh** (supra), and in particular paragraph 131 of the judgment to submit that the Apex Court has directed all the Courts to award maintenance from the date of the application as held in Part B – IV of the said judgment.

5. On perusal of the order of grant of maintenance, it appears that the amount of maintenance of Rs.7,000/- per month had been passed after taking into consideration the payment of rent made by the husband during the pendency of the application. If that be so, it was legal obligation on the part of the learned Magistrate to grant maintenance from the date of application, particularly in view of clear pronouncement of law by the Apex Court in **Rajnesh** (supra).

6. In that view of the matter, in my opinion, the applicant is entitled to claim maintenance from the date of the application.

7. For the aforesaid reasons, rule is made absolute in terms of prayer clause (b).

8. No costs.

(AMIT BORKAR, J.)