

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

WRIT PETITION NO.630 OF 2023

Satish Shankar Holmukhe	...Petitioner
Versus	
Swapnali Satish Holmukhe	...Respondent

Mr. Sanjay Bhojwani (through VC) a/w. M. Adhikary (present in Court) for Petitioner.

Ms. Aditi N. for Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 15 DECEMBER 2023

P.C.:

1. After the matter was argued for some time, parties agree, that Interim Maintenance Applications, filed in Hindu Marriage Petition No.131 of 2018, being Exhibit 25 and 27, were disposed by Civil Judge Senior Division, Panvel without giving hearing to the parties and only on the basis of documents available on record.

2. Parties agree that an opportunity has to be given to both the parties to make their submissions before passing of any order. Hence, the present Writ Petition is disposed of with the following directions :

(i) The impugned judgment and order dated 17 October 2022 passed by Civil Judge Senior Division, Panvel on Exhibit 25 and 27 i.e., for interim maintenance and for traveling expenses respectively, is quashed and set aside.

(ii) Application Exhibit-25 and 27 are restored to file and Civil Judge, Senior Division Panvel should grant an opportunity of hearing to both sides and they should also be granted permission to file written submissions.

(iii) Learned Civil Judge Senior Division, Panvel should consider as per the directions given by Supreme Court in ***Rajesh V/s. Neha & Anr*** reported in ***(2021) 2 SCC 324*** should consider the Affidavit of assets and liabilities of both the sides before deciding the Application Exhibit 25 and 27.

(iv). Parties are also further permitted to file additional affidavit, if so advised.

(v). In the meantime, as an interim arrangement, the husband should pay a sum of Rs.8,000/- as a monthly maintenance to the wife in her bank account on the 10 day of every month. So also the husband should deposit a sum of Rs.2,300/- in the bank account of wife as traveling expenses for each date of the hearing from the date of filing of Application exhibit '25' and '27'.

(vi) Civil Judge Senior Division Panvel should also make an endeavour to try and dispose of both the applications Exhibit 25 and 27, after hearing the sides in accordance with law, within a period of six months from today.

6. The present Writ Petition is accordingly disposed of.

(RAJESH S. PATIL, J.)