

Uday S. Jagtap

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

WRIT PETITION NO. 394 OF 2023

Nitin Dhirendra Pandey .. Petitioner

Vs.

Mrs. Pratiksha Nitin Pandey .. Respondent

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Ms. Kavita Nadar i/b M/s. Solicis Lex for the petitioner

Ms. Prajakta Pawar i/b AVC and Associates for the respondent

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 16th JUNE, 2023

P.C.

1. Heard learned Counsel for the petitioner and the respondent.
2. By the impugned order dated 17th October, 2022, the learned Judge of the Family Court No.5, Mumbai granted interim maintenance @ Rs.10,000/- per month to the respondent from the date of application. It is apparent from the impugned order that the respondent did not file any documents along with her affidavit of assets and liabilities, though according to the learned Family Court she has a potential to earn income.
3. Upon being asked, learned Counsel for the respondent submits that the respondent will file all the relevant documents

along with her affidavit of assets and liabilities in the Family Court.

4. In view of the statement, the petition can be disposed of by passing following order :-

ORDER

(i) The impugned order dated 17th October, 2022 passed by the Judge of the Family Court No. 5, Mumbai is quashed and set aside.

(ii) The respondent shall furnish all the documents along with her affidavit of assets and liabilities before the Family Court, Mumbai within 4 weeks after the first appearance.

(iii) The learned Family Court shall thereafter give due opportunity to the respective parties and pass a fresh order of interim maintenance.

(iv) The parties shall appear before the Family Court on 10th July, 2023.

5. Petition stands disposed of in the aforesaid terms.

(PRITHVIRAJ K. CHAVAN, J.)