



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2145 OF 2024

Bhushan Dattaram Gajare

...Petitioner.

Versus

Bhavana Bhushan Gajare

...Respondent.

Adv. Jyotiram S. Yadav for the Petitioner.

Adv. Mahesh Chitnis i/b M/s Chitnis Viathy & Co. for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : May 6, 2024.

P. C. :

1. Considering that the Trial Court while passing the impugned order has failed to considered the voluminous documents which were produced on record such as salary slip, bank statement along with affidavit of disclosure of assets and liabilities of both the parties. Learned counsel for the parties on instructions submit that the matter be remanded to the Trial Court to be decided afresh within fixed time frame.

2. Perusal of the impugned order, indicates that there is no discussion in the order of the Trial Court on the documents which were produced by the parties along with their affidavit of disclosure of assets and liabilities. Elaborate guidelines laid down by the Apex

Court in the case of ***Rajnish vs. Neha [AIR 2021 SUPREME COURT 569]*** as to the factors which are required to be considered while determining the quantum of maintenance. The Trial Court's judgment does not indicate any discussion or findings to support the quantum of interim maintenance.

3. In light of the above, with consent of the parties, the Application below Exhibit 5 is remanded to the Trial Court to be decided afresh.

4. Considering that the issue of maintenance is in question, the Trial Court is requested to decide the same expeditiously and in any event, within a period of four weeks from the next date of hearing which is stated to be 19th June, 2024. Both parties agree to co-operate in adjudication of the Application for interim maintenance and not seek any unnecessary adjournments.

5. Writ Petition is disposed of in the above terms.

[Sharmila U. Deshmukh, J.]

Harish

2 of 2