

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

WRIT PETITION NO. 9165 OF 2023

Sudhanshu Samrat Prasad	...Petitioner
<i>Versus</i>	
Kavita Sudhanshu Prasad	...Respondent

Mr. Santosh Musale, Learned Counsel for Petitioner-husband.
Mr. Pavan S. Patil a/w Mr. Nitin Jagtap, Mr. Yash Gawade & Ms.
Prachi Mulje, Learned Counsel for Respondent-wife.

CORAM: DR. NEELA GOKHALE, J.
DATED: 3rd January 2024

PC:-

1. The Petitioner assails order dated 28th February 2023 passed by the 13th Joint Civil Judge, Senior Division, Pune whereby the Petitioner-husband was directed to pay an amount of Rs. 20,400/- per month to his wife (present Respondent) towards interim maintenance on an application made by her under Section 24 of the Hindu Marriage Act, 1955. The amount was directed to be paid from the date of application. The Petitioner-husband was also directed to pay the litigation expenses of Rs. 15,000/- to his wife.

2. It has transpired during the hearing that the order under challenge was passed on the basis of submissions of the parties in their respective application and reply along with the affidavits of income and expenditure filed by the parties in compliance of the decision of Supreme Court in the matter of **Rajnish v. Neha and**

Another¹. It is also apparent that the affidavits are not accompanied by the bank statements, nor the income-tax returns of parties. In view of the above, the parties agreed that the matter be remanded to the Family Court for fresh hearing and reconsideration of the said order.

3. The matter is thus remanded to the Family Court with request to hear and adjudicate the application for interim maintenance afresh, upon the parties filing their fresh affidavits of income and expenditure indicating the financial status as on date. The Family Court is also requested to decide the application within a period of three months from the date on which this order is placed before it by the Petitioner-husband.

4. In the meantime, the Respondent-wife is permitted to withdraw the amount deposited by the Petitioner-husband in this Court towards arrears of interim maintenance as per the order dated 6th October 2023 passed by this Court.

5. Mr. Pavan Patil, learned Counsel for the Respondent-wife says that the amount deposited by the Petitioner-husband in this Court is Rs. 4,40,000/-. The Respondent-wife is permitted to withdraw the said amount from this Court along with the accumulated interest

1. (2021)2 Supreme Court Cases 324.

thereon.

6. Mr. Santosh Musale, learned Counsel for the Petitioner-husband, on instructions, is agreeable to pay an amount of Rs. 10,000/- per month towards interim alimony to his wife from today till the application is eventually decided by the Family Court. The statement is accepted as an undertaking to this Court. The Family Court shall proceed with the hearing of interim application under Section 24 of the Hindu Marriage Act, 1955 without reference to any observation on merits in this order.

7. This Court has not gone into the merits of the case.

8. All contentions of the parties are left open.

9. In view of the aforesaid, the petition stands disposed accordingly.

(DR. NEELA GOKHALE, J.)

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