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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6972 OF 2024

Ashwin Natwarlal Sheth ... Petitioner
VS.
Renuka Ashwin Sheth ... Respondent

Mr. Shardul Singh a/w. Saakshi Saboo i/b. DSK Legal, for Petitioner.
Mr. Gaurav Srivastav, Mr. Smeet Savla, Ms. Gayatri Sharma, Ms.
Meghna Vijan i/b. S.K. Srivastav and Co., for Respondents.

CORAM : GAURI GODSE, J.
DATED : 16th OCTOBER 2024

ORDER:

1. This petition takes an exception to the order passed by the Family Court rejecting the petitioner's application under Order VII Rule 11 of the Civil Procedure Code, 1908 ('CPC'). The main grievance of the petitioner is with regard to the directions issued in the impugned order in clause 2 of the operative part directing the parties to comply with the directions of paragraph no. 129 of the Apex Court's Judgment in the case of *Rajnish Vs Neha and Anr.*¹
2. Learned counsel for the petitioner submits that in the application under Order VII Rule 11 of the CPC, the Family Court

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could not have issued these directions as the question of filing affidavit of assets and liabilities as per the directions of the Hon'ble Apex Court would arise only in the event there is an application for interim maintenance. Even otherwise, he submits that the petitioner cannot be forced to file an affidavit of assets and liabilities and it would be always open for the petitioner to contest the application for interim maintenance if any filed by the respondent.

3. Learned counsel for the respondent does not dispute that in terms of the guidelines issued by the Apex Court in the case of ***Rajnish Vs. Neha*** the issue of filing affidavit of assets and liabilities would arise in the event, the application of interim maintenance is filed. He on instructions submits that the respondent is in the process of filing application for interim maintenance. He submits that the respondent would not press the directions issued in the impugned order in clause 23 of the operative part. He however submits that it may be clarified that for deciding the respondent's application for interim maintenance, the respondent's contentions regarding the requirement to file affidavit of assets and liabilities be kept open.

4. Learned counsel for the respondent therefore submits that all contentions of the respondents to argue on the legal principles settled by the Apex Court in the decision of the ***Rajnish Vs. Neha***

be kept open for the respondent to argue at the relevant time.

5. In view of the aforesaid submission, the petition can be disposed of by passing the following order:

I) The respondent is at liberty to apply for interim maintenance. In the event such an application is filed, the respondent is at liberty to press compliance of the guidelines issued by the Apex Court in the case of *Rajnish Vs. Neha*.

II) It is clarified that at this stage the petitioner would not be liable to file any assets and liabilities affidavit as directed in clause 2 of the operative part of the impugned order.

6. All contentions of both the parties on merits including their contentions on the guidelines issued by the Apex Court in the case of *Rajnish V Neha* are kept open.

7. Writ petition is disposed of in above terms.

(GAURI GODSE, J.)