



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1371 OF 2024
VIRENDRA S/O HARIKISHAN BHARDWAJ
VERSUS
RASHMI W/O VIRENDRA BHARDWAJ

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms M.R. Nagi, Advocate for the Petitioner/s
Shri T.N. Charaniya, Advocate for the respondent No.1

CORAM : N.R. BORKAR, J.
DATE : 06.09.2024

1. This petition takes exception to the order dated 12.09.2023 passed by the Civil Judge Senior Division, Nagpur, below Exh.5 in Hindu Marriage Petition No.1 of 2023.
2. The respondent No.1-wife has filed the petition *inter alia* for divorce against the petitioner-husband.
3. By the order impugned, the trial Court has allowed the application filed by the respondent No.1 under Section 24 of the Hindu Marriage Act, 1955 (for short "the Act"). The trial Court directed the present petitioner to pay Rs.15,000/- per month to the respondent No.1 and Rs.7,000/- per month to the respondent No.2-son, from the date of filing of the main petition i.e. from 07.07.2015.
4. The learned counsel for the petitioner submits that the income of the petitioner for the assessment year 2015-16, 2016-17 and 2017-18, was Rs.1,51,912/-, Rs.1,85,600/- and Rs.1,12,560/- respectively. It is submitted that the trial Court has

thus erred in considering the income of the petitioner as Rs.4 to 5 Lakhs for the said period. It is submitted that the trial Court has not considered the other contentions of the petitioner.

5. On the other hand, the learned counsel for the respondents submits that this Court may not interfere in the impugned order in writ jurisdiction.

6. I have perused the impugned order. There is a substance in the submission of the learned counsel for the petitioner. The order impugned therefore, will have to be set aside and is accordingly, hereby quashed and set aside, subject to deposit of Rs.5,00,000/- by the petitioner before the trial Court, within a period of two months from today. If such deposit is made, the trial Court shall permit the respondent No.1 to withdraw the said amount.

7. The trial Court shall decide the application at Exh.5 afresh, within a period of three months from the date of receipt of copy of this order.

8. The respondent No.1 is permitted to withdraw an amount of Rs.3,00,000/- deposited by the petitioner, before this Court.

9. The trial Court shall permit the parties to file additional documents, if any.

10. The petition is **disposed of** in the above terms.

[N.R. BORKAR, J.]