



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 6936 of 2019

[Avinash Sukhdevrao Mohod (Deshmukh) ..vs.. Sau. Rani alias Kiran w/o Avinash
Mohod (Deshmukh)]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. B. Gandhi, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 10-12-2024

Heard.

2. On previous date, following order was passed.

“The challenge is to order dated 21-8-2019 passed by the learned Joint Civil Judge Senior Division, Akola in an application filed under Section 24 of the Hindu Marriage Act, 1955 in the proceedings for divorce filed by the petitioner – husband.

*Learned counsel for the petitioner submits that both the parties had not filed before the trial Court affidavit of assets and liabilities in terms of law laid down by Hon'ble Supreme Court in the case of **Rajnesh Vs. Neha and anr. [(2021) 2 SCC 324]**, may be because the law was clarified subsequent to passing impugned order. He further submits that the main proceedings seeking divorce has been disposed of. He submits that, as informed, the petitioner has filed appeal. He seeks time to take instructions to that effect so that and if required, the matter could be remanded to the appellate Court by permitting parties to file affidavit of assets and liabilities. Time granted.*

Stand over to 10-12-2024.”

3. As could be seen, the proceeding seeking divorce i.e. main proceeding has been disposed of. The husband is pursuing remedy in appeal. He is paying Rs. 4,000/- per month to her wife in terms of order dated 16-10-2019 passed by this Court.

4. The grievance of the petitioner was that the statement on affidavit of assets and liabilities were not filed by the parties before the trial Court. He intends to place the same before the first appellate Court.

5. Having considered the totality of the circumstances, it is evident that pending challenge to the order passed by the trial Court in an application filed under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act of 1955'), the main proceeding seeking divorce has been decided.

6. I am, therefore, of a considered view that no fruitful purpose will be served by permitting the parties now to file statement of assets and liabilities before the first appellate Court to decide the proceeding seeking divorce, rather the purpose will be served if the petitioner – husband is directed to continue to pay Rs. 4,000/- per month as maintenance under Section 24 of the Act of 1955. This amount, to my mind, is the least that could be done by the husband for his wife considering the inflation in prices. The order impugned i.e. Order dated 21-8-2019 passed below Exhibit 9 in H.M.P. No. 142/2018 by the Joint Civil Judge Senior Division, Akola is accordingly modified by replacing amount of Rs. 6,000/- by Rs. 4,000/-. Rest of the order is kept intact.

7. The petition is disposed of in above terms.

(Anil L. Pansare, J.)

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