



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

WRIT PETITION NO. 1709 OF 2024

(Sau. Vrunda W/o Ritesh Agarwal **Vs.** Shri Ritesh S/o Ram Pershad
Agarwal)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Y.A. Agrawal, Advocate for the Petitioner.

CORAM: BHARAT P. DESHPANDE, J.

DATED : 12th MARCH, 2024

Heard Mr. Agrawal, learned counsel for the
petitioner.

2. The petition is filed by the wife, thereby
challenging the order passed by the learned Family Court
below Exh.13 dated 19.07.2023, by which the interim
maintenance is allowed for the wife and child at
Rs. 6,000/- and Rs. 4,000/- per month respectively.

3. Mr. Agrawal, learned counsel for the petitioner,
would submit that the respondent/husband even though
received the summons, failed to appear and contest the
proceedings. The respondent even failed to file any affidavit
disclosing his income or the salary. He would submit, that the
respondent/husband is working in some private firm in
Hyderabad and earning around Rs.1,50,000/- per month.
However, the petitioner is unable to procure any document as
the concerned company failed to submit relevant details.

4. Perusal of the order passed by the learned Family Court would go to show that since the petitioner/wife failed *prima-facie* to show the income of the husband/respondent, the interim maintenance application was allowed by discussing and considering the income at Rs.50,000/- per month on a guess work basis.

5. Mr. Agrawal, learned counsel for the petitioner, now submit that the petitioner would approach the learned Family Court with an affidavit for modification of the said order and also applying for directions to the concerned private firm where the respondent is working to supply the details so as to decide the application for maintenance or to modify the order.

6. On the basis of the above submissions, the petitioner is granted liberty to withdraw the present petition with permission to file the necessary application before the learned Family Court as discussed above. If such application is filed, the learned Family Court shall decide the application in accordance with law and by following the principles of natural justice.

7. The Petition stands **disposed of** in view of the above terms. No costs.

8. Pending application/s, if any, shall stand disposed of accordingly.

(BHARAT P. DESHPANDE, J.)