

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FAMILY COURT APPEAL NO. 28 OF 2022
WITH
CIVIL APPLICATION NO. 5751 OF 2025
IN FCAST/6571/2025

WITH
CIVIL APPLICATION NO. 10798 OF 2023
IN FCA/66/2023

WITH
FAMILY COURT APPEAL NO. 66 OF 2023
WITH
FAMILY COURT APPEAL 29 OF 2022

PRAVEEN ARJUN JADHAV

VERSUS

MADAM PRANITA X-W/O PRAVENN JADHAV NEE ASHA D/O
GAUTAM BANSODE

...

Advocate for Appellant : Mr. Hemant Surve

Advocate for Respondent : Mrs. Jyoti Kashinathrao Sadawarte

..

CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.

DATED : 25th JULY 2025

ORDER:-

1. By this appeal under Section 19 of the Family Court Act, 1984 the appellant/ husband has challenged the interim judgment and decree passed by Family Court Aurangabad, in Petition No. A-554/2016, thereby awarding maintenance of Rs. 7500/- per month (In addition to Rs. 10,000/- per month awarded by the learned Magistrate Court) in favour of respondent No.2.

2. In terms of the direction of the Hon'ble Apex Court in **Rajnish Vs. Neha and Another reported in (AIR 2021 S.C. 569)** we are inclined to remand the matter back only on the limited ground that the parties have failed to file affidavits of disclosure of Assets and Liabilities in the Family Court. Therefore, we are not going into the merits of the matter.

3. Suffice it to say that, respondent Nos. 1 and 2 filed proceedings for maintenance under Sections 18 and 20 of the Hindu Adoption and Maintenance Act. The Family Court rejected the prayer of maintenance for respondent No.1/wife and allowed the prayer of respondent No.2 son as above.

4. Perusal of the impugned judgment shows that, neither the appellant nor the respondents have filed their affidavit showing Assets and Liabilities along with their bank statements and income tax returns. The same is observed by the Family Court in paragraph No.10 in the impugned judgment and decree. For non filing of the affidavits, the Family Court has drawn adverse inference against both the parties.

5. Both the learned Advocates representing the respective parties, confirm the fact that no such direction to file affidavits of Assets and Liabilities was ever given by the Family Court in terms of **Rajnish**

(supra). Since this is material lacuna in the impugned judgment and decree, we deem it appropriate to quash and set aside the impugned judgment on that ground alone and remand the matter back to the Family Court for fresh consideration on merits, after the parties file affidavits of Assets and Liabilities before the Family Court.

6. Parties to appear before the Family Court on 4th August 2025, and submit their affidavits of Assets and Liabilities. The Family Court after giving opportunity of cross examination and after hearing the parties, shall decide the matter afresh on merits, within three months from the date of first appearance of the parties.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S. Kulkarni