



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 CRIMINAL WRIT PETITION NO. 1033 OF 2025

RENUKA DIGAMBAR ANKALGE AND OTHERS

....Petitioners

VERSUS

DIGAMBER VISHWANATH ANKALGE

.....Respondent

.....

Advocate for the Petitioners : Mr. S. N. Janakwade

Advocate for Respondent : Mr. H. V. Patil

.....

CORAM : SACHIN S. DESHMUKH, J.

Date : September 25, 2025

ORDER :-

1. The entitlement of the petitioners for interim maintenance was upheld by the learned Judicial Magistrate First Class, Mukhed, Dist. Nanded vide order dated 01.08.2024 below Exh. 5 in P.W.D.V.A. No. 30 of 2024, directing the respondent / husband to pay maintenance of Rs.10,000/- (Rs. Ten Thousands Only) to the petitioner No.1 and Rs. 5,000/- (Five Thousands Only) each to the petitioners No. 2 and 3.

2. The order of interim maintenance was subject matter of P.W.D.V.A. Appeal No. 2 of 2024 before the learned Additional Sessions Judge, Mukhed, Dist. Nanded. While partly allowing the

said appeal vide its judgment and order dated 15.07.2025, the learned Sessions Judge, considering the fact that the Affidavit of Assets and Liabilities were not presented by the litigating parties, in the wake of the order of the Hon'ble Apex Court in the case of **Rajnesh Vs. Neha and Anr. [(2021)2 SCC 32]**. Resultantly, the appeal is allowed and the order dated 01.08.2024 rendered by the learned Magistrate is quashed and set aside with directions that litigating parties shall file Affidavit of assets and liabilities; and after considering such affidavits, if filed by the parties, the Trial Court shall decide the interim application for maintenance afresh. The learned Sessions Judge further directed that the respondent herein / husband to pay an amount of Rs.1,00,000/- (Rs. One Lakhs Only) in the Trial Court which shall be adjusted / paid subject to the decision of the Trial Court on application for interim maintenance amount.

3. Raising challenge to the order rendered by the learned Additional Sessions Judge, the petitioners have approached this Court by way of petition under Article 227 of the Constitution of India.

4. Heard learned counsel for the petitioners as well as respondent.

5. Admittedly, the Affidavit of Assets and Liabilities were not presented by the litigating sides, as is mandated in the wake of the judgment of the Hon'ble Apex Court in the case of **Rajnesh Vs. Neha (supra)**. In view of the same, I am of the considered opinion that the entitlement of the petitioners herein, for grant of interim maintenance, deserves to be restored till the Trial Court decides the proceeding afresh, upon presenting the affidavit of Assets and Liabilities by the litigating sides on record. Hence, I proceed to pass following order :-

ORDER

- (a) The parties shall appear before the Trial Court on 15.10.2025.
- (b) The parties shall file the affidavit of Assets and Liabilities.
- (c) The Trial Court shall decide the application afresh after considering the affidavit of Assets and Liabilities.
- (d) The respondent / husband is directed to pay the interim maintenance of Rs. 20,000/- (Rs. Twenty Thousands Only) to the petitioners herein from the date of presentation of the complaint i.e. 21.06.2024, till the application is decided *de-novo* by the Trial Court.

(e) The deposit of interim maintenance shall be a condition precedent to the respondent herein / husband, so as to consider defence of respondent / husband.

(f) The Trial Court is directed to decide the interim application for maintenance expeditiously, in any case, within a period of six weeks from the date of appearance of the parties.

7. With the above directions, the writ petition stands **disposed** of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi