

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1252 OF 2024

Deepti Nikhil Bugate & Anr.

...Petitioners

Versus

Nikhil Nandkumar Bugate

...Respondent

Mr. Yuvraj Narvankar, for the Petitioners.

Mr. Utkarsh Desai, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 25th JULY 2025

P.C.:

1. Heard Mr. Narvankar, learned Counsel appearing for the Petitioners and Mr. Desai, learned Counsel appearing for the Respondent.

2. The challenge in this Writ Petition is to the order dated 8th November, 2023 passed by the learned Judge, Family Court, Kolhapur, below Exhibit-6 in Petition No. E-14 of 2023.

3. It is the main contention of Mr. Narvankar, learned Counsel for the Petitioners that, the Respondent has not disclosed true income. He points out, cross-examination dated 11th April, 2025 of the Respondent conducted in another Petition No. A-149 of 2022, where the Respondent has accepted that on the WhatsApp profile of his mobile there is an advertisement of "Go Ego Charging Stations". Apart from that, Mr. Narvankar, learned Counsel states that the Respondent - husband is also having business under the name was Vardhan Enterprises, where Toy

Store is being conducted. He submits that all these aspects are not taken into consideration by the learned Judge, Family Court, Kolhapur.

4. Mr. Desai, learned Counsel appearing for the Respondent states that all these contentions are not correct. However, he states that, in the facts and circumstances the matter can be remanded back to the learned Judge, Family Court, Kolhapur. Mr. Desai, learned Counsel on instructions, states that till said Exhibit-6 Application in Petition No. E-14 of 2023 is decided afresh, the Respondent will pay maintenance of Rs.18,000/- per month to the Petitioner wife and son. The said statement made by learned Counsel of the Respondent, on instructions, is accepted as undertaking given to the Court. Accordingly, the said payment, at said rate, will be made with effect from 1st July, 2025. First such payment of maintenance for the month of July 2025 shall be made on or before 5th August, 2025 and thereafter on or before 5th day of each month till the learned Judge, Family Court, Kolhapur, decides the said Application bearing Exhibit-6 in Petition No. E-14 of 2023.

5. Mr. Desai, states that in said Petition No. E-14 of 2023 evidence is being conducted. However, as order dated 8th November, 2023 has been passed without taking into consideration, several aspects it is required to set aside the said order dated 8th November, 2023.

6. Accordingly, by consent of parties, following order is passed:

O R D E R

- (i) Impugned order dated 8th November, 2023 passed by the learned Judge, Family Court, Kolhapur below Exhibit-6 in Petition No. E-14 of 2023 is quashed and set aside. Said Application bearing Exhibit-6 in Petition No. E-14 of 2023 is restored to the file of the learned Judge, Family Court, Kolhapur.
- (ii) Both the parties to file fresh affidavit of disclosure as directed by the Supreme Court in the case of *Rajnish v. Neha*¹. Such, affidavit be filed within a period of 3 weeks from today.
- (iii) Learned Judge, Family Court, Kolhapur is requested to decide the said Application bearing Exhibit-6 in Petition No. E-14 of 2023 afresh expeditiously on or before 30th September, 2025.
- (iv) Mr. Desai, learned Counsel also states that the arrears of about Rs.1,56,000/- will be paid to the Respondent within a period two months from today. The said statement made on instructions of the Respondent are accepted as undertakings given to this Court.

7. It is clarified that this Court has not considered the merits on said Exhibit-6 Application and all contentions of both the parties are expressly kept open.

¹ (2021) 2 SCC 324

8. Accordingly, the Writ Petition is disposed of in above terms, with no order as to costs.

[MADHAV J. JAMDAR, J.]