

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.12633 OF 2022**

Shri. Govind Arun Gaikwad,
Age: 29 yrs., Occu. Private Service,
R/at. Laxmi Narayan Apartment, Brahmanpuri,
Miraj, Tal. Miraj, Dist. Sangli. ..Petitioner

Versus

Sou. Shubhangi Govind Gaikwad,
Age. 27, Occu. Household,
Presently R/at. Ganesh Baban Khirsagar,
At/pt. Kargani, Tal. Atpadi, Dist. Sangli. ..Respondent

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Mr. Faruk Kotwal i/by Mr. P. Padmanabh & Associates a/w Mr. Padmanath D. Pise, Ms. Sejal A. Hariyan, Advocate for Petitioner.
Mr. Bhooshan Mandlik a/w Mr. Suraj Bhosale, Advocate for Respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 09th OCTOBER, 2025.**

FINAL ORDER:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.
2. The present Writ Petition takes exception to order dated 04.04.2022 passed below Exhibit-15 in Petition A No.441/2020 by Family Court, Sangli.
3. The marriage between petitioner and respondent was solemnized on 20.12.2016. The matrimonial dispute arose between parties. Eventually, petitioner filed HMP No.441/2020 (old HMP No.358/2019) before Family Court at Sangli seeking decree of dissolution of marriage. The respondent-wife appeared before Family

Court and filed her written statement refuting contentions of petitioner. She has also filed application below Exhibit-15 for grant of interim maintenance. The Family Court allowed application and granted interim maintenance of Rs.21,000/- per month, apart from litigation charges of Rs.25,000/-.

4. Mr. Farak Kotwal, learned Advocate appearing for petitioner submits that there is no basis for granting exponential interim maintenance of Rs.21,000/- per month, in absence of documentary evidence as to income of petitioner. The Family Court relied upon Shop Act License at Exhibit-33 and erroneously observed that petitioner is owner of Jewellery shop and assumed petitioner's income out of such business. The Family Court has erroneously observed that petitioner is owner of shop, so also skilled qualified goldsmith. The learned Advocate further submits that petitioner is merely workman in Jewellery shop.

5. Per contra, Mr. Bhooshan Mandlik, learned Advocate appearing for respondent-wife supports impugned order. According to him, petitioner earns more than Rs.1,00,000/- per month. His family has huge income from rent. His father was in service with Municipal Corporation and he is capable to pay interim maintenance as claimed.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Family Court

relied upon document below list Exhibit-33 i.e. Shop Act License, which stands in name of petitioner's mother Smt. Sangeeta Arun Gaikwad. Therefore, observations of Family Court that petitioner is owner of Jewellery shop itself is fallacious. Even it is assumed that petitioner is working in shop being family member, there is nothing on record to show income from said business. Except words of respondent regarding earning of Rs.1,00,000/- per month from business, there is no record to support such contentions.

7. Assessment of interim maintenance amount @ Rs.21,000/- per month is absolutely baseless. However, fact remains that, petitioner's family owns business in name of Gurucharan Jewelers. It is not denied by petitioner that he is working in said shop. The shop is situated within limits of Municipal Corporation. Further, petitioner has not filed clear affidavit indicating income sources for him and his family.

8. In this background, at this stage, grant of interim maintenance of Rs.11,000/- per month would be just and proper. Hence, following order:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 04.04.2022 passed below Exhibit-15 in Petition A No.441/2020 by Family Court, Sangli is modified.

- c. The respondent-wife shall be entitled for interim maintenance @ Rs.11,000/- per month from date of filing of application at Exhibit-15.
- d. The petitioner shall deposit arrears of maintenance at aforesaid rate within period of six weeks from today. The amount already deposited shall be appropriated.
- e. The petitioner shall continue to pay interim maintenance without default till disposal of Petition A No.441/2020.
- f. The Family Court shall endeavour to dispose of proceeding in Petition A No.441/2020 within period of Nine (09) months from today.
- g. Parties to co-operate.

(S. G. CHAPALGAONKAR)
JUDGE