

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11051 OF 2025

Sudhir Haridas Bhajnawale,
Age: 33 Years, Occu.: Service,
R/at: B-101, Tony Apartment,
Flat No.E-6, E-12, Sector-20,
CBD Belapur,
Navi Mumbai – 400 614.Petitioner

Vs.

Sneha Sudhir Bhajnawale,
Age: 27 Years, Occu.: Nil,
Residing at: 'Savali', Plot No.39,
Surve No.252, Hadko Colony,
Abhay Nagar, Sangli,
Taluka Miraj, District : Sangli.Respondent

Mr. Vinod J. Zende with Mr. Raghavendra Kulkarni, for the Petitioner.
Mr. Faruk N. Kotwal with Mr. Samyak A. Bhatkar, for the Respondent.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 7th NOVEMBER 2025

JUDGMENT :-

1. The present Writ Petition takes exception to order dated 18th June 2025 passed by Family Court below exhibit 7 in Petition-A No. 17 of 2024, thereby granting interim maintenance in favour of Respondent in proceeding instituted under section 13(1)(ia) and (ib) of Hindu Marriage Act 1955.

2. The Petitioner herein instituted proceedings under section 13(1)(ia) (ib) of Hindu Marriage Act, 1955 against Respondent/ wife seeking a decree of dissolution of marriage attributing the cruelty and desertion against her. The Respondent/wife caused her appearance and refuted the Petitioner's claim. She filed an application below Exhibit 7 seeking interim maintenance contending that Respondent caused mental torture to her, his relations with wife of brother-in-law are objectionable and while she was pregnant, present case for divorce has been instituted. She was residing with her mother since 19th December 2023. She has no source of income for her maintenance, so also maintenance of Infant born out of marriage.

3. The Petitioner contested said application contending that after marriage Respondent had continued her service at Pune. She used to visit matrimonial home every week. She abandoned her services since July 2022. The respondent is repaying monthly installment of Rs.46000/- towards home loan and requires to spend substantial amount on medical expenses of family members. The Family Court referring to Affidavit of Assets and Liabilities filed by parties in terms

of dictum of Supreme Court in case of ***Rajesh v. Neha & Ors.***¹ observed that Petitioner is working as Lead Software Engineer and earning Rs.1,41,940/- per month. He is repaying the home loan by installment of Rs.46,000/- per month. Still, he would have balance of Rs.95,000/- per month. Accordingly, directed the maintenance amount of Rs.20,000/- per month to Respondent and Rs.10,000/- per month to minor daughter.

4. The learned Advocate appearing for Petitioner submits that Respondent is already receiving maintenance as per order passed by learned Judicial Magistrate First class in P.W.D.V.A.No.39 of 2024. Further, she has abandoned the matrimonial home on her own accord. The Family Court granted excessive and exorbitant maintenance.

5. It can be observed that there is no dispute about relationship between parties. The Petitioner is a Software Engineer earning monthly salary of Rs.1,41,940/-. Undisputedly, Respondent/wife alongwith minor daughter resides at her maternal home. She has no source of income as on today. The Family Court has considered

¹ (2021) 2 SCC 324.

maintenance granted in proceedings under Protection of Women from Domestic Violence Act, 2005 (For Short, 'D.V.Act') and in addition, granted cumulative maintenance amount of Rs.30,000/- to Respondent and minor daughter. As such, total maintenance of Rs.37,000/- is directed to be paid by Petitioner to Respondent/wife and minor daughter. Apparently, looking to status of parties and income of Petitioner, Family Court is justified in granting interim maintenance of Rs.30,000/- in addition to Rs.7,000/- granted under D.V.Act. No jurisdictional error can be found in the impugned order, so as to invoke powers under Article 227 of Constitution of India.

6. In result, Writ Petition stands rejected

(S. G. CHAPALGAONKAR, J.)

Digitally
signed by
RAJU
DAITATRAYA
GAIKWAD
Date:
2025.11.13
18:17:56
+0530