

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1540 OF 2024

Shri Sachin Gorakshanath Shirse

...Petitioner

Versus

Sau. Shital Sachin Shirse

...Respondent

Mr. Hafeez Ansari a/w Jayendra D. Khairnar, for the Petitioner.

Mr. S. D. Patil, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 28 FEBRUARY 2025

P.C.:

1. Heard Mr. Ansari, learned Counsel appearing for the Petitioner and Mr. Patil, learned Counsel appearing for the Respondent.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 20th April 2023 passed by the learned Judge, Family Court, Nasik, District – Nasik below Exhibit-19 in Petition No. A-560 of 2017. The said Application has been filed by the Respondent - wife seeking grant of interim maintenance of Rs.20,000/- per month. The learned Judge, Family Court, has granted interim maintenance of Rs.14,000/- per month from the date of Application i.e. 24th January 2019 till disposal of the Petition.

3. It is the submission of learned Counsel appearing for the Petitioner that although it is the allegation that the Petitioner is a Chartered Accountant, in fact the Petitioner is only B.Com and earlier

he was working in Chartered Accountant firm namely Pipalia Singhal & Associates. However, he has been removed from the said employment on 30th November 2017 and thereafter he is without any employment. It is submitted that as the Petitioner is without any employment he cannot be directed to pay the maintenance. It is submitted that the Respondent-wife is working as teacher and therefore not entitled for any maintenance. It is submitted that although an agricultural land is standing in his name, the Petitioner is not receiving any income. It is submitted that the impugned order be quashed and set aside.

4. It is the submission of learned Counsel appearing for the Respondent-wife that the Petitioner and his family members at the time of fixing the marriage has represented that the Petitioner is working as Chartered Accountant in a renowned firm. It is submitted that the Petitioner and his family members are conducting educational institutions. They are having agricultural lands, bungalows etc. and therefore maintenance of Rs.20,000/- per month has been sought. It is submitted that the Respondent is working as a teacher on a temporary post and her salary is about Rs.7,000/- per month. It is submitted that by considering the material on record maintenance of Rs.14,000/- per month has been granted. It is submitted that the Petitioner has not disclosed all the assets and also true information regarding his income is not disclosed and therefore the Writ Petition be dismissed.

5. At the outset before consideration of the rival submissions it is significant to note that, at the time of marriage of the Petitioner and the Respondent, in the marriage invitation card distributed by the family of the Respondent-wife it is mentioned that the Petitioner is B.Com, M.B.A, Associate, Chartered Accountant. Thus, there is substance in the allegation of the Respondent that at the time of fixing marriage it has been represented to the Respondent and her family members that the Petitioner is Chartered Accountant working in Chartered Accountant Firm - Pipalia Singhal & Associates.

6. To substantiate the contention that the Petitioner and his family is having educational institutions, agricultural lands, bungalows etc., apart from other material, photographs have been produced concerning the programmes conducted in one of the Educational Institution and the Petitioner is seen to be present at the said program. Learned Counsel appearing for the Petitioner, on instructions of the Petitioner who is personally present in Court, states that in the said educational institution, Petitioner's mother, brother and sister-in-law are trustees, however, the Petitioner is not concerned with the said Educational Institutions. Although the said contentions are raised by the Respondent in the maintenance application, the Petitioner has not produced any documentary evidence to show that only his family members are in the management of the said Educational Institutions and he is not

concerned with the same. Thus, there is substance in the contention of the Respondent that the Petitioner and his family members are conducting Educational Institutions.

7. The learned Family Court, in the impugned Order *inter alia* has observed that the Petitioner is having an agricultural land of about 33 guntha and the same has not been disclosed in the affidavit of assets and liabilities. Admittedly the Petitioner has not disclosed about the agricultural lands. Thus, it is clear that the Petitioner has suppressed the relevant material.

8. The material on record shows that the Respondent is working as a teacher on a temporary post and her salary is about Rs.7,000/- per month. As already noted the Petitioner has not come with clean hands and not disclosed the income of the Petitioner. It is important to note that before the Petitioner has filed the Petition in Family Court on 3rd October 2017 in the reply filed by the Respondent – Husband it is stated that the said Pipalia Singhal & Associates firm removed the Petitioner from service on 30th November 2017. It is the submission that the Petitioner is unemployed since 30th November 2017. Thus, the case put up by the Petitioner is that he is unemployed since November 2017 i.e. immediately after filing of the Petition by the wife in the Family Court and he is without income since then is not believable and it is clear that the Petitioner has suppressed various significant aspects.

9. Thus, in the facts and circumstances of this case no interference in the impugned order is warranted under the jurisdiction of this Court under Article 227 of the Constitution of India. Accordingly, the Writ Petition is dismissed with cost of Rs.20,000/-.

[MADHAV J. JAMDAR, J.]