

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13833 OF 2024

Rajwant Kaur Sandhu alias Rajwant
Kaur Mann

...Petitioner

Versus

Inderjeet Singh Mann & Ors.

...Respondents

WITH

WRIT PETITION NO.9662 OF 2024

Col. Inderjeet Singh Mann

...Petitioner

Versus

Rajwant Kaur Sandhu

...Respondent

Mr. Megha Chandra, a/w Uttam S. Rane, Advocate for Petitioner in WP 13833 of 2024 and for Respondent in WP No.9662 of 2024.

Mr. Vikramaditya Deshmukh a/w Ashwin Vasista for Respondent in WP 13833 of 2024 and for Petitioner in WP 9662 of 2024.

Mr. Hamid Mulla, AGP for State-Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED : 13th March 2025

P.C.:

1. Heard Mr. Deshmukh, learned Counsel for Col. Inderjeet Singh Mann (husband) and Ms. Megha Chandra, learned Counsel for Rajwant Kaur Sandhu (wife).

2. The Petitioner-wife has filed Petition No.A-1817 of 2017 before the learned Family Court, Bandra seeking divorce against the Respondent-husband.

3. Both the parties have challenged the Order dated 25th April 2024 passed by the learned Judge, Family Court, Bandra, Mumbai below Exhibit 111 in Petition A-1817 of 2017. The operative portion of said Order reads as under :

“1. The application at Exh. 111 is partly allowed.

2. The prayer of the Petitioner for the enhancement of her interim maintenance is hereby rejected.

3 The prayer of the Petitioner as to the maintenance of the children is hereby allowed. Accordingly the Respondent husband is hereby directed to pay Rs 40,000/- each to the children towards maintenance from the date when the Military stopped to deduct the above said amount from his salary i.e from May, 2022.

4. The Military Office is hereby directed to deduct the abovesaid maintenance order from the salary of Respondent per month till the children complete their post graduation.

5. The Petitioner is hereby specifically directed to give an undertaking within 7 days before this court that after the completion of post graduation of both the kids, she will immediately inform this fact to the Court as well as Military Office so as to stop the maintenance amount of the children as soon as they complete their post graduation.

6. The application filed by the Respondent husband for modification and review of the order dated 15.12.2021, is hereby rejected.

7. No order as to costs.”

4. Both the Writ Petitions were heard at length and thereafter both the learned Counsel on instructions of their respective clients submitted that both these Writ Petitions can be disposed of by consent, without prejudice to the rights and contentions of both the parties, in the following terms:

(a) The maintenance of Rs.25,000/- per month, which has been granted to the Petitioner-wife and Rs.25,000/- per month as rent for accommodation is modified by directing that the Respondent shall pay maintenance of Rs.25,000/- per month and as far as rent is concerned, the same is increased to Rs.35,000/- per month w.e.f. 1st March 2025.

(b) Order directing payment of Rs.40,000/- per month each to the children towards maintenance is quashed and set aside as both the children are major aged 26 years and 27 years.

(c) However, it is clarified that the daughter who has filed independent application before the Family Court can pursue her application and same will be decided on its own merits.

(d) As the Petition filed by the Petitioner-wife is of the year 2017, the learned Family Court, Bandra, Mumbai is requested to dispose of the said Petition expeditiously.

(e) Both the parties shall co-operate with the learned Judge, Family Court, Bandra, Mumbai to dispose of said Petition expeditiously.

(f) It is clarified that this Court has not considered merits and all contentions on merits are expressly kept open.

5. Both the Writ Petitions are disposed of in above terms, with no order as to costs.

6. Both the parties are at liberty to file appropriate application for modification concerning maintenance, if there are change in the circumstances.

(MADHAV J. JAMDAR, J.)