



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9700 OF 2024

Vidyashree Patra

...Petitioner

Versus

Kunaal Patra

...Respondent

Ms. Chanchal Singh, i/by R. V. Sankpal and Associates for
Respondent.

Ms. Zainba Abdi i/b Ms. Gayatri Gokhale, for Petitioner.

CORAM: MANJUSHA DESHPANDE, J.

DATED: 1st October 2025.

PC:-

1. The Petition challenges the order passed on Exhibit-13 dated 11th October, 2023 in Petition No. A-1907 of 2020, by the Ld. Judge, Family Court at Bandra.

2. The limited grievance of Petitioner is that the learned Judge of 7th Family Court, Bandra has granted interim maintenance at the rate of Rs. 25,000/- per month each, to both the children from the date of order and not from the date of Application. According to the learned Advocate appearing for Petitioner, learned Judge ought to have granted maintenance from the date of making Application, i.e. from 29th day of January, 2022.

3. I have perused the Application filed by Petitioner for interim maintenance, wherein prayer is made by the Petitioner that directions be issued to Respondent to pay the sum of Rs. 1,00,000/- per month or any other reasonable amount towards maintenance of Petitioner herself as well as her children. After hearing both the parties, learned Judge, 7th Family Court, Bandra has not granted any maintenance to Petitioner and has granted maintenance only to the extent of children at the rate of Rs. 25,000/- per month to each of the child.

4. Being aggrieved by the said order, the Writ Petition has been preferred, challenging the order only to the extent of grant of maintenance from the date of order instead of their entitlement from the date of Application.

5. Learned Advocate appearing for Respondent when called upon, submits that so far as the impugned order is concerned, it does not reflect any reason as to why such order, granting maintenance from the date of order and not from date of application is passed.

6. Upon perusal of the impugned order, there is no reason recorded by the learned Judge as to why maintenance is not granted from the date of Application. It is settled position of law

that on an Application of maintenance, it has to be granted from the date when such application is made. This view has been reiterated in the judgment of *Rajnish vs. Neha and Ors.*¹, all the ambiguity in this regard has been set to rest by this judgment. In view of the settled position of law, the impugned order needs to be modified to the extent that the maintenance granted by Judge, 7th Family Court, Bandra shall be paid not from the date of order, but from the date of Application. Hence, the order passed by Judge, 7th Family Court, Bandra passed on Exhibit-13 dated 11th October, 2023 in Petition No. A-1907 of 2020 stands modified which would read thus:

“The respondent-husband is directed to pay interim maintenance at the rate of Rs. 25,000/- per month to each of the child from the date of Application.”

7. With the aforementioned directions, the Writ Petition stands disposed of.

(MANJUSHA DESHPANDE, J.)

1 Criminal Appeal No. 730 of 2020, decided on 4.11.2020.