IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5005 OF 2025

Amit Parmar ...*Petitioner*

***Versus***

Swati A Parmar ...*Respondent*

Ms. Uma Kshirsagar Wagle, for the Petitioner.

CORAM : MANJUSHA DESHPANDE, J.

DATE : 30th JUNE, 2025

P.C. :-

1. The learned Advocate for the Petitioner seeks leave of this Court to make amendment in address of both the parties, since they have changed the place of their residence. Leave granted.

2. Amendment to be carried out forthwith.

3. The Petitioner is challenging the order dated 24.01.2025, below Exhibit 15, passed by the Judge, 4th Family Court, Mumbai, in Petition No. A-1274 of 2021.

4. By order dated 24.01.2025, the Application below Exhibit 15 filed by the Respondent-Wife has been allowed and

the Petitioner is directed to pay Rs. 40,000/- per month to the Respondent-Wife towards interim maintenance from the date of Application.

5. The learned Advocate for the Petitioner-Husband assails the said order and contends that the Judge, Family Court, has passed the impugned order without taking into consideration the income disclosed by the Husband, relying on the Invitation Card that was placed on record, for coming to the conclusion that Husband must be earing Rs. 1 lakhs per month. The other glaring illegality in the order, which is pointed out is that, in spite of the fact that, there is no issue issue between the parties, the Judge of the Family Court has observed that for the sake of assuming that the Wife is doing something for her livelihood for herself and her daughter, she qualifies for claiming maintenance.

6. The Respondent-Wife has not placed on record the proper disclosures in the affidavit of Assets and Liabilities, which are required as per the format and relying on that, the impugned order came to be passed. According to her, the Wife

has filed regular Darkhast No. 129 of 2025, which is to be listed on 08.07.2025.

7. In view of the submissions made by the learned Advocate for the Petitioner, issue notice to the Respondent, returnable on **24.07.2025**.

8. In addition to the Court notice, the Petitioner is at liberty to serve the Respondent-Wife by a permissible private mode and file an affidavit of service before the returnable date.

9. In the meanwhile, the ad-interim relief in terms of prayer clause (c) to continue till the returnable date.

10. Without prejudice to the rights of the parties, the Petitioner shall pay the maintenance to the Respondent at the rate of Rs. 20,000/- per month, to be deposited in the Court from this month onwards.

11. So far as the arrears of maintenance is concerned, that will be worked out when the appearance is caused by the Respondent.

[ MANJUSHA DESHPANDE, J.]