

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8591 OF 2025

Sushil Sudarshan Chikne

...Petitioner

Versus

Linata Sushil Chikne

...Respondent

Mr. Kuldeep Patil a/w Mr. Sainath S. Garade i/b Aadesh Konde
Deshmukh, for the Petitioner.

Mr. Advait Dalvi, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 02 DECEMBER 2025

P.C.:

1. Yesterday, I have heard the submissions of Mr. Kuldeep Patil, learned Counsel appearing for the Petitioner and Mr. Dalvi, learned Counsel appearing for the Respondent.

2. After hearing the matter completely, the same is kept today for the purpose of exploring the possibility of settlement as the Petitioner and Respondent are having a child of 2 years. Yesterday, Respondent has shown willingness to cohabit with the Petitioner and therefore the Petitioner took time to consider the said proposal. The Petitioner, who is personally present in Court, states that it is not possible for him to cohabit with the Respondent. Therefore, the Writ Petition is disposed of on merits.

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3. 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 24th April 2025 passed by the learned Judge, Family Court No.2, Pune, below Exhibit-20 in Petition No. A-1946 of 2023.

4. By the impugned Order, the learned Judge of the Family Court has directed payment of Rs.30,000/- per month as maintenance to the Respondent-wife and Rs.20,000/- per month as maintenance to the child.

5. The learned Family Court has passed the Order as the Petitioner-husband has admitted that he is earning Rs.1,70,000/- per month. In fact, the learned Judge of the Family Court has recorded that the Petitioner has failed to file his Affidavit of Assets and Liabilities and, therefore, adverse inference needs to be drawn against the Petitioner.

6. It is admitted position that the Respondent-wife is at her parents house and her parents are maintaining her and her child of two years. The Petitioner has admitted that his income is Rs.1,70,000/-. The Respondent has raised following contention in her application seeking maintenance :-

*“8. That contrary to this the Petitioner has various source of income and also possessed of movable and immovable properties. That **the Petitioner has Monthly Salary of Rs.2,00,000/- (two lakh). That the Petitioner also owns 6 Flats and 4 shops in his name. That the Petitioner also has***

1 company owned by him. That the movable assets in the name of the Petitioner are like a four wheeler and gold ornaments of 5 tola.”

(Emphasis added)

The Respondent has claimed maintenance of Rs.1,00,000/-.

7. Admittedly, the Petitioner has not filed Affidavit of Assets and disclosure. Therefore, adverse inference is required to be drawn against him. The Petitioner has admitted that his income is Rs.1,70,000/- per month. Apart from that, the Petitioner is having 6 flats and 4 shops as contended by the Respondent. The said contention is required to be accepted as it is as the adverse inference needs to be drawn against the Petitioner.

8. This is a Writ Petition filed under Article 227 of the Constitution of India which is a discretionary and extraordinary remedy. As the Petitioner has not filed his Affidavit of Assets and Liabilities, it is clear that he has not approached the Court with clean hands.

9. Accordingly, the Writ Petition is dismissed with cost of Rs.50,000/- to be paid to the Respondent within a period of 2 weeks from today.

[MADHAV J. JAMDAR, J.]