

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9398 OF 2025

Arpit s/o. Sunil Bhargava

.... Petitioner

Versus

Mahak w/o. Arpit Bhargava

.... Respondent

.....

Mr.Sachindra Shetye a/w. Ms.Vrushali Shivgan, Advocate for
the Petitioner.

.....

CORAM : MANJUSHA DESHPANDE, J.

DATED : 16.07.2025.

P.C. :

1. The Petition is listed for admission no notice has been issued, as yet.

2. The Petitioner being aggrieved by the order dated 8th October, 2024, passed by the Principal Judge, Family Court, Mumbai, below Exhibit-6 in Interim Application No.117 of 2018 filed in Petition No.A-2186 of 2018 has approached this Court. The learned Judge, Family Court has partly allowed the Interim Maintenance Application filed by the Respondent-wife for

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monthly maintenance amount to the extent of child by awarding Rs.60,000/- per month. The Petitioner was also directed to bear the educational expenses, school fees, bus fees, other extra curricular activities as and when required from time to time. According to the Petitioner, they were married on 8th February 2015. They had a child from the said wedlock on 10th October, 2016. In 2018-2019 the Petitioner filed Petition for Dissolution of Marriage at Jaipur. The Respondent approached the Hon'ble Apex Court for transfer of proceedings from Jaipur to Mumbai.

3. The Respondent-wife also filed Petition for divorce at Mumbai as counter blast to the proceedings for divorce filed by the Petitioner. The Respondent-wife has also filed an Interim Application for maintenance alongwith her Petition for Dissolution of Marriage bearing No.A/2186/2018. The Hon'ble Supreme Court has transferred the Petition filed by the Petitioner from Jaipur to the Family Court Bandra, Mumbai, to be tried alongwith the Petition filed by the Respondent-wife. The Respondent had filed an Interim Application No.117 of 2018, claiming interim maintenance of Rs.5,00,000/- per month for herself as well as her daughter Nivya.

4. During the pendency of the proceedings, the Apex Court has declared a judgment in the case of *Rajnish Vs. Neha and Anr.*¹, framing guidelines for procedure to be followed in matters of maintenance, claimed under various enactments. Accordingly, the parties have filed respective affidavits disclosing their assets and liabilities. After considering their respective affidavits, the Family Court has granted interim maintenance of Rs.1,00,000/- per month to the Respondent in addition to Rs.1,40,000/- per month to the minor daughter Nivya totaling to Rs.2,40,000/- per month from the date of application till the disposal of the main Petition.

5. Aggrieved by the said order passed by the Principal Judge, Family Court, Mumbai in Interim Application No.117 of 2018, the Petitioner filed Writ Petition No.4239 of 2021, in this Court. This Court has decided the Writ Petition by directing the Petitioner to continue to deposit Rs.50,000/-, towards maintenance of child till the application for interim maintenance filed by the Respondent-wife is decided after considering their affidavits of assets and liabilities filed as contemplated in the judgment of *Rajnesh Vs. Neha & Anr.* (Supra).

¹ (2021) 2 SCC 324

6. Accordingly the application for maintenance *pendente lite* after filing fresh affidavits of assets and liabilities of the parties was heard and decided. In the said application, the Family Court, Mumbai, has pleased to pass an order dated 8th October, 2024, granting maintenance of Rs.60,000/- per month towards the child's maintenance alongwith educational expenses i.e school fees, school bus fees, school picnic, school uniform, school stationery etc. from the date of application till disposal of Petition. It is against this order, the Petitioner has approached this Court challenging the same.

7. According to the learned advocate for the Petitioner, the learned Judge has not taken into consideration that both the parents who are earning are required to share the responsibility towards maintenance of the child in proportion to their income. It is on this ground, the Petitioner is challenging the order passed by the Principal Judge, Family Court, Bandra, Mumbai dated 8th October, 2024. It needs to be appreciated though the Respondent - wife has claimed the maintenance for herself, it has been refused by the Family Court considering that she is a qualified Chartered Accountant(CA). She is the second

generation CA working in her father's company.

8. The learned Judge of the Family Court has taken into account the Bank statement filed by the respective parties. It is observed in the order that at one point the Respondent has stated that she is not earning, and, thereafter she has again filed an affidavit stating that she is receiving Rs.1,00,000/- salary and, therefore, she has restricted her claim to Rs.4,00,000/- instead of Rs.5,00,000/-. It is further observed that, before the High Court she has made statement that she is not working. There is nothing on record to show the reason for loss of job, the question whether she is presently employed or unemployed remains unanswered. Though she is qualified person and cannot remain unemployed for the long period. However, there is nothing on record to show her income.

9. As against that, the documents filed by the present Petitioner was taken into consideration by the Judge, Family Court. According to his affidavit, he is owner of SBA Strategy Consulting LLP. The Tax Returns of the company and various entries in his bank account as well as number of documents clearly disclose that his income is much more than the

Respondent. Even his assets like the flat in which they resided, his plot, mutual funds, etc., was taken into consideration and only after relying on the judgment of the Hon'ble Apex Court in the case of *Anju Garg Vs. Deepak Kumar Gurg*², as well as in case of *K.N. Vs. R.G.*³; and *Smt.Mamta Jaiswwal Vs. Rajesh Jaiswal*⁴, the order has been passed.

10. The Principal Judge, Family Court has come to the conclusion that since the child is now 8 years old, who is school going, the child is entitled to the same standard of living as that of her parents. It was further observed that since the present Petitioner is earning more than the Respondent, it is his responsibility to bear major expenses towards school and extracurricular activities of the child, with the child's educational and other needs. According to the standard of the parties, the monthly maintenance of ₹60,000 was considered just and reasonable and accordingly granted.

11. Considering the status of the parties their standard of living, and the income of both the parents, which was placed on record before the Judge, Family Court, the order granting

2 2022 SCC OnLine SC 1314

3 2019 SCC Online Del 7704

4 II(2000) DMC 170

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Rs.60,000/- per month to the child of the parties has been awarded. I do not find any infirmity or perversity in the order passed by the Judge, Family Court, Mumbai. The amount of maintenance is just, resonable, and proper, awarded after taking into account the assets and liabilities of the parties. Hence, no interference is called for in the present matter. As a result the Writ Petition stands dismissed.

12. However, considering that the Hindu Marriage Petition was filed by the parties in 2018, the main proceedings are required to be disposed of as early as possible. Therefore, the Family Court is requested to decide the pending proceedings between the parties preferably within six months from the date of this order.

[MANJUSHA DESHPANDE, J.]